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Revised draft budget for the first financial period of the Court

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Introduction

1. At its eighth session, the Preparatory Commission for the International Criminal Court requested the Secretariat to prepare a revised draft budget for the first financial year of the Court, taking into account the priority guidelines proposed by the Coordinator (PCNICC/2001/L.3/Rev.1/Add.1, appendix) for consideration by the Commission at its ninth session. The present document is submitted pursuant to that request. In accordance with regulation 2 of the draft Financial Regulations (PCNICC/2001/L.4/Add.2), the financial period shall consist initially of one calendar year unless otherwise decided by the Assembly of States Parties for the first-year budget of the Court. It is proposed that the first financial period should last from the first meeting of the Assembly of States Parties to the end of the subsequent calendar year. Based on the assumption expressed in the last preambular paragraph of General Assembly resolution 56/85 of 12 December 2001 that the first meeting of the Assembly will be held by September 2002, the first financial period would thus stretch from September 2002 to the end of December 2003, namely 16 months. The proposed estimates of the requirements for the first financial period of the International Criminal Court (ICC or "the Court") relate to the costs of operation of the ICC and costs related to the sessions of the Assembly of States Parties, the meetings of the Bureau of the Assembly and the Committee on Budget and Finance.

2. The magnitude of the resource requirements of the Court in the first financial period of its operation would depend upon the level and scope of activities of the Court, bearing in mind the need to provide a stronger capacity for the Court and the Assembly of States Parties to respond to various challenges. The proposed resource requirements are responsive to the necessity to create, among other things, the ability for the Court — financially, administratively and procedurally — to recruit the required staff at short notice.

3. The proposed structure of the organs of the Court, together with the corresponding administrative arrangements, is discussed in Part One of the present document. These take into account the composition and experience of the most relevant existing international judicial institutions, such as the International Court of Justice (ICJ), the International Tribunal for the Former Yugoslavia (ICTY), the International Tribunal for Rwanda (ICTR) and the International Tribunal for the Law of the Sea (ITLOS). It is anticipated that the overall staffing resource requirements of the Court would consist of 195 posts in 2003 and 64 posts in the period from September to December 2002 (see Part Two, tables 3 and 4). Organizational charts containing details of the proposed staffing structure in 2003 are shown in annex I to the present document.

4. The cost estimates are outlined in Part Two. They were calculated on the basis of a number of assumptions, the proposed structure and administrative arrangements for the Court, and experience with similar institutions, such as ICTY. In accordance with regulation 3.2 of the draft Financial Regulations, which, inter alia, provides that the proposed programme budget shall be presented in the currency of the statutory headquarters of the Court, the present draft budget has been set out in euros. The United Nations operational rate of exchange as of March 2002 (US$ 1.00 = €1.16, or €1 = $0.862069) was used.

5. Since the first financial period would cover 16 months and it may be particularly difficult to accurately foresee the Court's needs during this start-up period, reference is made to regulations 4.2 and 4.3 concerning the appropriation line as well as regulation 3.6 relating to the supplementary budget, of the draft

Financial Regulations. Should circumstances unforeseen at the time of adoption of the budget make it necessary, the appropriation line adopted by the States Parties may be utilized or supplementary budget proposals may be submitted by the Registrar with respect to the first financial period. Accordingly, a reserve for unforeseen expenses has been included in the present draft budget.

6. Pursuant to General Assembly resolution 56/85, the first meeting of the Assembly of States Parties will be held at United Nations Headquarters in New York. The venues of the subsequent meetings of the Assembly of States Parties, the Bureau and the Committee on Budget and Finance in 2003 are unknown. Therefore, two sets of estimates have been prepared for those meetings: one based on the assumption that they would be held at The Hague and the other on the assumption that they would be held in New York. The exact dates and duration of the meetings are also unknown. Accordingly, the proposed dates and duration for the Assembly of States Parties (two-week resumed first meeting in January 2003, one-week resumed meeting/special session in April 2003 and two-week second meeting in September 2003), the Bureau of the Assembly (two sessions of three days' duration each in March and June 2003) and the Committee on Budget and Finance (one five-day session in August 2003) have been taken for illustration purposes only and without prejudice to future decisions thereon.

7. The Inaugural Meeting of the Court will be held at The Hague. The Government of the Netherlands has expressed its commitment to fully finance the Inaugural Meeting. Accordingly, the holding of the Meeting will have no financial implications for the Court. The date of the Inaugural Meeting is not yet known. Subject to the understanding referred to in the preceding paragraph, it is assumed that it would be held in February 2003, shortly after the resumed first meeting of the Assembly in January 2003. Requirements for the Inaugural Meeting of the Court were not included in the present draft budget.

8. At this point, a number of issues with financial implications remain to be clarified. One such issue is that concerning the premises, furniture and information technology equipment of the Court. In his statement at the eighth session of the Preparatory Commission, the Minister for Foreign Affairs of the Netherlands announced that the Government of the Netherlands had identified a building which, with a total area of 12,000 square metres, was sufficiently spacious and flexible to serve as the temporary premises of the Court from the first day of its existence. The construction and renovation/alteration costs (e.g., interior layout and design), including for the courtroom, will be financed by the Netherlands Government in accordance with the Netherlands bid-book on which the Rome Conference based its decision on the ICC headquarters. The Foreign Minister also indicated that the Government would provide furniture and equipment for up to 100 officials and staff members and that special attention would be given to security measures.[1] From follow-up discussions with representatives of the host Government, it was determined that this offer encompasses computers and information technology, including the necessary data security arrangements, as appropriate. The host Government is conducting further assessment studies on that basis and will provide the Preparatory Commission with a more detailed offer at the earliest possible date.

9. As the present draft budget was, to the extent possible, prepared on a full-cost basis, the estimates regarding rental of premises and information technology equipment will probably have to be adjusted at a later stage in order to bring them

[1] See PCNICC/2001/INF/3, p. 3.

into conformity with the details of the Netherlands offer. Based on the number of judges and the proposed number and level of posts, it is estimated that the Court would require a minimum of 8,600 square metres of space to accommodate offices for the Presidency, Divisions/Chambers, the Office of the Prosecutor and the Registry, the Common Services Division, courtrooms, detention facilities and ancillary areas. Furthermore, the Foreign Minister confirmed the host Government's willingness "to contribute financially to the initial meetings of the Assembly of States Parties and its Bureau", as well as to "fully finance the meeting for the Inaugural Meeting of the Court".[2]

10. Post requirements are presented in net terms, since a decision has not yet been made regarding the adoption of a system of staff assessment, tax equalization or other similar arrangements. Furthermore, the requirements were computed on the basis of the post structure, salaries, allowances and entitlements applicable to the United Nations common system. Should the States Parties to the International Criminal Court adopt different standards, adjustments will have to be made to the budget. It should also be noted that there are certain items that were not included at this stage, but may have to be considered in the future. Annex VI to the present document contains a list of some of those outstanding items, which may have been included in the budget for the first financial period, once the relevant decisions have been made, or in subsequent budgets.

11. The estimates provided in the present draft budget are based on cost parameters for the years 2002 and 2003. The level of resource requirements for the fist financial year of the Court will depend on whether the resumed first meeting of the Assembly of States Parties, the second meeting of the Assembly, the special session of the Assembly, the meetings of the Bureau of the Assembly and the meetings of the Budget and Finance Committee are held at The Hague or in New York. If they are held at The Hague, the total resource requirements are estimated at **€39,891,300**, of which €30,764,200 would relate to the cost of operations of the Court, and €9,127,100 to the cost of the aforementioned meetings plus the first meeting of the Assembly of States Parties to be held in New York in 2002. If all the meetings are held in New York, the total estimated requirements for the first financial period would be **€39,696,900**. Further details concerning total requirements can be found in paragraphs 107 and 108 as well as tables 1 and 2 in Part Two of the present document.

Part One
Proposed structure and administrative arrangements

I. Seat of the Court

12. The seat of the Court is to be established at The Hague in the Netherlands (Statute, art. 3, para. 1). The host State has secured a location for the permanent

[2] Idem.

premises of the Court.[3] Pending the construction of the premises, the Government of the Netherlands has announced that it will make available temporary premises as from the date of establishment of the Court. The premises are an existing building that offers enough room to meet start-up needs as well as expansion of the Court's activities within its walls. It is located opposite the International Tribunal for the Former Yugoslavia. Detention facilities will be made available at a different location.

II. Premises requirements

13. During the start-up phase, the temporary premises should accommodate the following needs of the Court:

(a) The Presidency, consisting of the President and the First and Second Vice-Presidents (art. 38, para. 3), as well as its staff;

(b) Office space for an Appeals Division, a Trial Division and a Pre-Trial Division (art. 39, para. 1), i.e., an additional 15 judges and their staff;

(c) A courtroom that is available for the Appeals Chamber, the Trial Chambers and the Pre-Trial Chamber;

(d) The Office of the Prosecutor;

(e) The Registry;

(f) A detention facility at a separate location.

14. The experience of the International Tribunal for the Former Yugoslavia has shown that due account should be taken of the need to ensure the separation of the facilities belonging to the Office of the Prosecutor from the rest of the Court.[4] The particular requirements of the Court, however, will have to be taken into account. The temporary premises provided by the Government of the Netherlands would, if so required, allow for the facilities of the Office of the Prosecutor to be located separately from the rest of the Court within the premises to be made available.

15. Apart from the premises to accommodate the needs referred to in paragraph 13 above, appropriate premises will be required for the first meetings of the Assembly of States Parties (Statute, art. 112), the Bureau (art. 112, para. 3 (a)), the Inaugural Meeting of the Court, any special sessions of the Assembly (art. 112, para. 6), and meetings of the Committee on Budget and Finance.

III. Assembly of States Parties

16. According to the Statute, the Assembly can meet either at the seat of the Court or at the Headquarters of the United Nations (art. 112, para. 6). The first meeting of the Assembly, pursuant to General Assembly resolution 56/85, will be held at United Nations Headquarters in New York. The Government of the Netherlands has

[3] In his statement made at the eighth session, the Foreign Minister of the Netherlands announced that the permanent seat of the Court's headquarters would comprise some 30,000 square metres of office space, courtrooms, service areas, areas for the public and detention facilities. Construction of the premises is expected to be finished by 2007.

[4] See report of the Expert Group, A/54/634, para. 250.

expressed its willingness to contribute financially to the initial meetings of the Assembly.[5]

17. The first meeting of the Assembly will be attended by representatives of at least 60 States Parties, who may be accompanied by alternates and advisers (art. 112, para. 1). The maximum size of the delegations of the States Parties is not regulated by the Statute. In view of the importance of the first meeting, it could be assumed that delegations will be composed of no less than three persons.[6]

18. In addition, States that have signed the Statute or the Final Act may attend the sessions of the Assembly in the capacity of observers (Statute, art. 112, para. 1). To date, 139 States have signed the Statute and 144 States have signed the Final Act. The composition and size of the observer delegations is not regulated by the Statute. However, by paragraph 12 of resolution 56/85, the General Assembly requested the Secretary-General to invite as observers to the meeting of the Assembly of States Parties representatives of intergovernmental organizations and other entities that have received a standing invitation from the General Assembly, representatives of interested regional intergovernmental organizations and other international bodies invited to the Rome Conference or accredited to the Preparatory Commission. By paragraph 13 of resolution 56/85, the Assembly noted that non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission or having consultative status with the Economic and Social Council whose activities are relevant to the activities of the Court may also participate in the work of the Assembly of States Parties in accordance with agreed rules.

19. The official and working languages of the Assembly are those of the General Assembly of the United Nations (Statute, art. 112, para. 10). According to the Statute, the Assembly shall meet once a year and, when circumstances so require, hold special sessions (art. 112, para. 6).

20. Pursuant to rule 37 of the draft Rules of the Assembly of States Parties (PCNICC/2001/L.4/Add.4), it is envisaged that a secretariat would be responsible for receiving, translating, reproducing, distributing and keeping custody of documents and decisions of the Assembly, the Bureau and any subsidiary bodies that may be established by the Assembly, as well as providing interpretation. Thus, the secretariat will be involved in the substantive servicing of meetings and preparing pre-session, in-session and post-session documentation.

21. Issues relating to the nature, scope and functions of the secretariat are yet to be addressed by the Preparatory Committee. With respect to the first meeting of the Assembly of States Parties, the General Assembly, in its resolution 56/85, requested the Secretary-General to undertake the preparations necessary to convene it. Thus, the Secretariat of the United Nations will provide substantive servicing of the first meeting of the Assembly of States Parties. According to the note of the Secretariat concerning the responsibilities entrusted to the Secretary-General under resolution 56/85, the overall cost requirements based on two meetings per day were estimated at €3,083,400 ($2,658,100), and based on four meetings per day, €3,245,200 ($2,797,600).[7]

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[5] See PCNICC/2001/INF/3, p. 3.

[6] In the General Assembly hall at United Nations Headquarters, each delegation is entitled to six seats.

[7] A/C.6/56/L.25, para.10.

22. Three additional meetings of the Assembly of States Parties are contemplated in 2003: a resumed first meeting of two weeks' duration in January 2003, a resumed/special session of one week's duration in April and the second meeting of two weeks' duration in September 2003. The estimated cost of these meetings would be €5,687,500 if held in New York, or €5,881,900 if held at The Hague. These estimates do not include the cost of the first meeting of the Assembly of States Parties referred to above.

IV. Bureau of the Assembly

23. According to the Statute, the Bureau of the Assembly shall meet as often as necessary, but at least once a year (art. 112, para. 3 (c)). In 2002, the Bureau is expected to meet once, also at United Nations Headquarters in New York.

24. The Bureau will be composed of 21 members elected by the Assembly (art. 112, para. 3 (a)). It is expected that there will be two meetings of the Bureau in 2003, one three-day session in March and another three-day session in June to discuss organizational matters. The Bureau meetings would require relevant premises arrangements and, if held away from the seat of the Court, would also entail travel and related expenses for the judges, the Prosecutor and the Registrar. The Statute is silent on the matter of the official and working languages of the Bureau. The representative character of the Bureau (ibid., para. 3 (b)) as well as its composition need to be taken into account when assessing resources needed.

25. Although the Government of the Netherlands has expressed its willingness to contribute financially to the initial meetings of the Bureau, at this stage no specific figures have been quoted. Hence, the estimates provided in Part Two do not yet take into account any such possible contribution.[8]

V. Inaugural Meeting of the Court

26. Once elected, the 18 judges and the Prosecutor are required to make a solemn undertaking (Statute, art. 45). The Inaugural Meeting of the Court is expected to be held early in 2003. The meeting at which this takes place may be used for the election of the Presidency of the Court by the judges, who might also at the same meeting determine the membership of the Divisions and the Chambers. Thus, appropriate premises arrangements should be envisaged for the Inaugural Meeting of the Court.

27. The Inaugural Meeting will be held at The Hague. The Government of the Netherlands has expressed its commitment to fully finance the meeting.[9]

28. The Inaugural Meeting will entail round-trip travel arrangements for the 18 judges and the Prosecutor.

[8] See PCNICC/2001/INF/3.

[9] Ibid.

VI. Committee on Budget and Finance

29. The establishment by the Assembly of States Parties of a Committee on Budget and Finance, bearing in mind article 112, paragraphs 2 (b) and (d) and 4, of the Statute has been contemplated in the work of the Preparatory Commission.[10] The Committee will be composed of 12 members. It is envisaged that the Committee would meet in August 2003 for a five-day session to deal with a draft budget for the second financial period of the Court.

30. It is estimated that €502,500 will be required if the Committee meets in New York and €545,700 if its meeting is held at The Hague.

VII. Critical needs of the Court during the first financial period

31. The establishment of all necessary Court functions will consume a substantial amount of time and resources. Certain functions will have to be set up by organs of the Court and will therefore have to await the election of the judges, the Prosecutor and the Registrar, respectively. However, certain critical capacities will need to be established immediately in order to satisfy the requirements of the Statute and meet practical needs in the start-up phase. These include the capacity to collect, preserve and acknowledge receipt of incoming information and potential evidence. Moreover, they should include an adequate capacity to ensure high-level external relations, communications and public information. Among immediate practical needs are the establishment of operational information and communication networks as well as the setting up of other basic systems necessary for security purposes, a smooth recruitment and procurement process and similar urgent requirements.

32. In addition to satisfying such immediate needs, the budget for the first financial period must provide for sufficient resources for the Court to sequentially build up the necessary capacities. In the following, the above needs will be assessed in relation to each organ of the Court.

33. Some needs are common to more than one organ of the Court. To the extent that the independent role of those organs is not affected, certain basic administrative functions can be carried out by a Common Services Division (see sect. XII below). In this connection, careful attention is devoted to identifying which specific administrative functions could be carried out by such a division so as to maximize the cost-effectiveness of the Court, without prejudice, in particular, to the independent role of the Office of the Prosecutor.

VIII. The Presidency

34. The three judges composing the Presidency, i.e. the President and the First and Second Vice-Presidents, shall serve on a full-time basis as soon as they are elected (art. 35, para. 2) at the Inaugural Meeting. According to the Statute, their salaries, allowances and expenses may be decided upon by the Assembly, and these salaries and allowances cannot be reduced during their term of office (art. 49).

35. In respect of requirements relating to the ICC judges, the terms and conditions of service of the members of ICJ, ICTY and ICTR could be considered. The

[10] PCNICC/2001/L.4/Add.2.

conditions of service and compensation of members of ICJ, ICTY and ICTR are discussed in detail in the report of the Secretary-General on the matter (A/C.5/56/14). For reference purposes, the gist of the conditions of service and compensation of members of ICJ, the judges of ICTY and ICTR as well as of ITLOS are set out in annex IV to the present document.

36. The Presidency is entrusted in the Statute (art. 38, para. 3 (a)) with the "proper administration of the Court, with the exception of the Office of the Prosecutor". In the first financial period, the critical functions for the Presidency (besides the judicial functions referred to in the Statute and the finalized draft Rules of Procedure and Evidence) would be: (a) high-level external relations and communications (to include media/outreach functions), in conjunction with the Registrar, and (b) establishing systems for the functioning of the Chambers, including pre-trial, trial and appeals capacity. Such systems are crucial, as the manner in which the first applications under the relevant provisions of the Statute are handled will both establish procedures for the future and affect the credibility of the Court.[11]

37. For the purposes of the first financial period, the functions described both in points (a) and (b) in the preceding paragraph will be performed largely by the Presidency, with the Registrar, when elected, providing daily direction (see prior para. 36).

Staffing requirements

38. The role of staff of the Presidency will be to support the President and the two Vice-Presidents in the conduct of external as well as internal relations and communications of the Court. Activities in the first year of operation will include: (a) providing advice on and initiating relationships with States and international organizations; (b) drafting speeches, presentations and papers to assist in "putting the ICC on the world map"; (c) internal and external strategic decision-making as to issues of primary concern to the ICC; and (d) planning and implementation of such internal and external strategies. It is to be expected that in the first financial period of operation a large amount of standard-setting decisions — operational, administrative, managerial and legal — will have to be made by the Presidency. Adequate staff levels will be required to create the capacity to do so. In addition, there will have to be adequate capacity to deal with ad hoc situations requiring almost immediate action. The minimum structure which will need to be in place would include: (a) Chef de Cabinet (P-5), providing direct support to the President; (b) one Legal Officer (P-3), providing support to the two Vice-Presidents;[12] and (c) one spokesperson (P-4). It is assumed that the Spokesperson for the Presidency would also act as head of the Public Information and Documentation Section to be set up as part of the Registry.[13] A further three General Service positions should be

[11] In the light of the experience of ICTY and ICTR, all decisions would most likely be subject to appeal. Accordingly, if a Pre-trial Chamber is functioning, the Appeals Chamber would also need to be ready to function in order to deal with any appeals that would arise. In addition, since under the finalized draft Rules of Procedure and Evidence victims may apply directly to the Chambers, this situation might arise even before a referral from the Prosecutor.

[12] It is envisaged that this Legal Officer could also be assigned, if necessary, to tasks in the Chambers Legal Support Section.

[13] The combining of these two functions may have to be revisited as the workload of the Court

provided for the Office of the Presidency, one of them at the Principal level, to provide support to the President. The organizational structure of the Presidency is set out in annex I.A.

IX. Judges other than those comprising the Presidency

39. While according to article 35 of the Statute judges comprising the Presidency shall serve on a full-time basis as soon as they are elected, it is to be decided by the Presidency, on the basis of the workload of the Court and in consultation with its members, to what extent the remaining judges shall be required to serve on a full-time basis. In addition to the Presidency, it will be necessary in the course of the first financial period to have the budgetary capacity to require a sufficient number of judges to serve at the Court. This will notably be for the purpose of conducting pre-trial procedures (three judges or a single judge), as dictated by the relevant rules of procedure and evidence, and for dealing with interlocutory appeals.[14] Accordingly, it would be necessary in the first budget to provide, on an as-needed basis, for judges beyond the three which are part of the Presidency. It is proposed that si additional judges should be included in the budget.[15]

40. The salaries, allowances and expenses of those judges are to be decided upon by the Assembly of States Parties in accordance with article 49 of the Statute. The conditions of service and compensation set out in annex IV could be consulted for reference purposes.

41. For the staff requirements necessary to assist judges other than those comprising the Presidency, attention is drawn to paragraph 75 below.

X. Office of the Prosecutor

42. The Office of the Prosecutor will act independently as a separate organ of the Court (Statute, art. 42, para. 1).

43. It is assumed that the Prosecutor will be elected at a resumed first meeting of the Assembly in early 2003.

44. The Prosecutor can be assisted by one or more Deputy Prosecutors (Statute, art. 42, para. 2). The Deputy Prosecutors shall also be elected by the Assembly, but from a list of candidates provided by the Prosecutor. For each position of a Deputy Prosecutor to be filled, the Prosecutor would have to nominate three candidates (art. 42, para. 4). In view of these requirements, it is unlikely that the first Deputy Prosecutor would be elected during the resumed first meeting of the Assembly (unless consensus regarding the suitable candidates is reached prior to the session). Accordingly, the first Deputy Prosecutor could be elected at a special session of the Assembly to be held in 2003. Presumably the Prosecutor will, when in office, determine when a second Deputy Prosecutor should be elected. For purposes of the present draft budget, it is assumed that, in the first financial period of the Court, the

increases. See annexes I and III, respectively.

[14] Art. 39 (b) (ii).

[15] The budgetary consequences of this flexible approach can be reflected by the requisite vacancy percentage in the budget document, indicating that it is not expected that all budgeted posts will become an actual expenditure until the last few months of the first period of operations.

Prosecutor would need only one Deputy Prosecutor to assist him/her on matters such as recruitment, investigation and prosecution policies, structuring of the Office, etc.

45. The Prosecutor and the Deputy Prosecutor shall serve on a full-time basis (art. 42, para. 2). They will take up their respective duties after having made a solemn undertaking in accordance with article 45 of the Statute. It would be up to the Assembly of States Parties to decide on the terms of office of both the Prosecutor and the Deputy Prosecutor in accordance with article 42, paragraph 4, of the Statute. For the conditions of service and compensation of the Prosecutor, annex IV may be consulted. Consideration may be given in this respect to the desirability of grading their terms of office in such a manner that the experience and the institutional memory of the Office of the Prosecutor will be preserved and the continuity of its work ensured.

46. As to the staffing needs of the Office, the Prosecutor will have the authority to appoint such qualified staff as may be required, including the appointment of investigators (Statute, art. 44, para. 1). They will be part of the staff of the Court and subject to staff regulations to be proposed by the Registrar, with the agreement of the Presidency and the Prosecutor, and approved by the Assembly (ibid., para. 3). The Prosecutor would also appoint advisers with legal expertise on specific issues, including, but not limited to, sexual and gender violence and violence against children (art. 42, para. 9). It is unclear from the Statute whether the latter category of individuals would form part of the staff of the Court.

47. The possible requirement of an upsurge capacity (for example, in the case of a referral of a situation or if an evidence preservation situation arises under article 18, paragraph 6, or article 19, paragraph 8) can be met through the equivalent of general temporary assistance funds during the first budgetary period. Such upsurge capacity would be essential for the Prosecution Section, the Investigation Section, the Information and Evidence Section, and to the translation and interpretation function of the Office of the Prosecutor. Efficient procedures for the utilization of general temporary assistance funds would contribute to avoiding under- or over-utilization of such temporary staff in the event that upsurge capacity is required.

48. The Prosecutor shall have full authority over the management and administration of the Office, including the staff, the facilities and other resources thereof (art. 42, para. 2). The establishment of a Common Services Division (see sect. XII below) would be in full accord with this requirement.

49. In exceptional circumstances, the Prosecutor may employ gratis personnel offered by States Parties, intergovernmental organizations or non-governmental organizations (art. 44, para. 4). Gratis personnel shall be employed in accordance with guidelines to be established by the Assembly (ibid.).

Staffing requirements

50. While it is difficult to predict whether there will be any referral of a situation to the Court during the first budgetary period, it is to be expected that the Office of the Prosecutor will receive many communications from the time of the establishment of the Court pursuant to the Prosecutor's *proprio motu* power of preliminary examination under article 15. The requirements of this mode of operation should not be underestimated. The Office of the Prosecutor must exercise

due diligence within the parameters of article 15 and avoid being seen as inoperative in the face of complaints. It is important that the Office of the Prosecutor sets the highest standards in its dealings with sources of information relevant to article 15, paragraph 2, as well as with the Pre-Trial Chamber. It cannot be excluded that the Office of the Prosecutor, through article 15, paragraph 3, may find itself in an article 18, paragraph 6, or article 19, paragraph 8, situation during the first budgetary period, requiring investigative steps to preserve evidence. The Prosecutor shall be responsible for the retention, storage and security of information and physical evidence in the course of the investigations (finalized draft Rules of Procedure and Evidence, rule 10). Information which the Prosecutor may receive during the first budgetary period pursuant to article 15, paragraph 2, article 18, paragraph 6, and article 19, paragraph 8, is potential evidence and must be handled appropriately so as to avoid contamination. In general, the credibility of the Court will be built on the quality of its work from the outset of its existence.

51. **Immediate Office of the Prosecutor**. This Office would include the Prosecutor, at the Under-Secretary-General level,[16] one Deputy Prosecutor, at the Assistant Secretary-General level, one Special Assistant to the Prosecutor at the P-5 level, one Special Assistant to the Deputy Prosecutor at the P-4 level, and one Spokesperson for the Office of the Prosecutor (P-4). The Office would be supported by a pool of three General Service staff with one Administrative Assistant at the Principal level assigned to the Prosecutor.

52. In order to help the Prosecutor recruit the relevant staff and exercise the statutory authority to manage and administer his or her Office, an **Administrative Unit** directly attached to the Immediate Office of the Prosecutor would be needed. The Unit would include one Budget Officer (P-4), one Personnel Officer (P-3), one Programmer/Analyst (P-3), one Language Coordinator (P-3),[17] and two Administrative Assistants (General Service (Other level)).

53. Accordingly, the overall staffing requirement of the Immediate Office of the Prosecutor would consist of the Prosecutor, one Deputy Prosecutor, at the Assistant Secretary-General level, one P-5, three P-4, three P-3,one General Service (Principal level) and four General Service (Other level) staff.

54. The functional needs of the Office of the Prosecutor suggest that it would need a Prosecution Division, an Investigation Division and a separate Appeals Section from the first budgetary period onward.

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[16] This level of the Prosecutor is shown for illustration purposes and without prejudice to the future discussion thereon.

[17] Document translation has proved to be one of the most persistent and serious problems in the experience of the ad hoc Tribunals. The ICC Office of the Prosecutor must have its own document translation capacity. The open nature of the Court's territorial jurisdiction necessarily means that this function will have to draw on general temporary assistance staff at the working level. However, there needs to be a permanent language coordination capacity within the Office of the Prosecutor through which needs are assessed, requests channelled, and advice is formulated for the Prosecutor on relevant internal language policies. It is not feasible to predict beforehand what the exact upsurge need for translators and interpreters would be in the event of a referral of a situation or if an evidence preservation situation were to arise under article 18, paragraph 6, or article 19, paragraph 8, during the first financial period. It is essential that the procedures for utilization of general temporary assistance funds for upsurge staff be efficient and sufficiently flexible to allow for the establishment of a translation and interpretation unit in the Office of the Prosecutor within reasonable time.

Prosecution Division

55. The **Prosecution Division** would be responsible for functions such as litigation; legal review of information and potential evidence; drafting of charges; directing investigators; advising senior management on investigation and prosecution strategies; drafting general guidelines and policies for the Office of the Prosecutor; drafting legal submissions; providing expert legal advice; and conducting legal research and training. To do this most effectively, the budget for the first period should provide for a Prosecution Section and a Legal Advisory and Policy Section within the Prosecution Division. There also needs to be an Appeals Section, which should be directly subordinated to the Prosecutor. The Prosecution Division should be headed by a Director of Prosecutions at the D-2 level, supported by an Administrative Assistant (General Service (Other level)).

56. The **Prosecution Section** within the Prosecution Division would review information and evidence; direct investigators; litigate; and draft charges and legal submissions on questions of procedure and evidence. The Section would also advise senior management of the Office of the Prosecutor on investigation and prosecution strategies, alongside other sections, and contribute to the drafting of general guidelines and policies of the Office of the Prosecutor. The Section would require five prosecutors, one at the P-5 level (Chief of Section), two at the P-4 level and two at the P-3 level. This team would be supported by a pool of two Secretaries (General Service (Other level)). The Section would probably require additional general temporary assistance staff if a situation were to be referred to the Court during the first budgetary period.[18]

57. The **Legal Advisory and Policy Section** would be required to provide independent specialist legal advice and legal drafting, in particular on questions pertaining to jurisdiction, including the scope of the subject-matter jurisdiction. The Section would also have to assist with the drafting of guidelines and policies relevant to the operation of the Office of the Prosecutor,[19] as well as with the training of members of the Office of the Prosecutor, general temporary assistance staff and gratis personnel.[20] Staff of the Section would include one Senior Legal

[18] It would be preferable to pool the prosecutors in one section within the Prosecution Division during the first budgetary period, so as to better enable the Director of Prosecutions to respond in a flexible manner to the needs for prosecutors whether in connection with preliminary examination, investigation or litigation. The time-consuming nature of the investigation of international crimes means that the prosecution's litigation function during the first budgetary period would, even in the event that there is a referral of a situation, be limited to certain pre-trial questions, in particular admissibility proceedings, where the Prosecution Section should work closely with the Legal Advisory and Policy Section and the Appeals Section. If there is no referral of a situation, the litigation function would be more limited, with an emphasis on article 15, paragraph 3, and subsequent admissibility proceedings, in both of which the Prosecution Section should be assisted by the Legal Advisory and Policy Section and the Appeals Section.

[19] Some of the subjects that will require guidelines are: criteria for full investigation; requesting assistance; interviewing witnesses; interviewing suspects and accused; use of policy and expert witnesses; written statements; search and seizure; field missions; format-of-the-charges document; formal internal review of charges; disclosure; contact with the media; file management; network access; and appeal procedure.

[20] The experience of the ad hoc Tribunals underlines the importance of these functions and that there must be appropriate expertise to execute them from the outset of the work of the Office of the Prosecutor, when precedents on jurisdiction will be set and internal standards will be established for the Prosecutor's action under, inter alia, articles 15, paragraphs 1-3, 17 to 19, 53

Adviser (P-5), two Legal Advisers (P-4) and one Legal Adviser (P-3). Administrative support to the Legal Advisory and Policy Section could be provided by one Secretary (General Service (Other level)).

58. The **Appeals Section**, which should not be within the Prosecution Division, but directly subordinated to the Prosecutor, would work with the Prosecution Section and Legal Advisory and Policy Section in handling interlocutory appeals (and later appeals proper) before the Appeals Chamber of the Court. The Appeals Section should have one P-5 level post of Senior Appeals Counsel and one Appeals Counsel at the P-4 level. The Section would be supported by one General Service (Other level) staff member.

59. Accordingly, the overall staffing resource requirement of the Prosecution Division and the Appeals Section would consist of one D-2, three P-5, five P-4, three P-3 and five General Service (Other level) posts.

Investigation Division

60. The **Investigation Division** would be responsible for functions such as reception and management of information and potential evidence; preliminary examination; investigative steps to preserve evidence; investigation, including analysis of contextual and systemic facts; and advising senior management on investigation strategy based on, inter alia, assessments of overall victimization. To do this most effectively, the budget for the first period should provide for three sections: an Information and Evidence Section, an Investigation Section and an Analysis Section. The Investigation Division would be headed by a Chief of Investigation at the D-1 level assisted by one Administrative Assistant (General Service (Other level)).

61. The **Information and Evidence Section** would be required from the outset of the work of the Office of the Prosecutor.[21] As pointed out above, the Prosecutor shall be responsible for the retention, storage and security of information and physical evidence in the course of the investigations. Information which the Prosecutor may receive during the first budgetary period pursuant to articles 15, paragraph 2, 18, paragraph 6, and 19, paragraph 8, is potential evidence and must be appropriately handled to avoid contamination. The Section would require one Evidence Management Officer (P-4) and three General Service (Other level) staff. The Section would have to be reinforced with Professional and General Service (Other level) staff on the basis of general temporary assistance funds in the event a situation is referred to the Court or an evidence preservation situation arises under article 18, paragraph 6, or article 19, paragraph 8, during the first budgetary period.

62. Although it is uncertain whether a full investigation will commence during the first budgetary period of the Court, the Office of the Prosecutor needs a basic investigative capacity, an **Investigation Section**, to work alongside other sections in executing preliminary examination under article 15, paragraph 2, and to coordinate

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and 54. The Legal Advisory and Policy Section should also be responsible for the establishment and maintenance of an electronic legal decisions and submissions database from the start, as well as other electronic services relevant to the elements of applicable offences and key procedural and evidentiary rules.

[21] Article 15 communications or complaints will most likely be submitted to the Court early in the first budgetary period. It is important for the Office of the Prosecutor to have the capacity to appropriately receive and manage materials submitted together with such complaints.

and undertake investigative steps to preserve evidence under article 18, paragraph 6, or article 19, paragraph 8, or if an investigation proper is launched. The Section should be headed by a Deputy Chief of Investigation at the P-5 level (Chief of Section) and should have four investigators, two at the P-4 level and two at the P-3 level. The Section would be supported by two General Service (Other level) staff. If a full investigation is launched or an evidence preservation situation arises pursuant to article 18, paragraph 6, or article 19, paragraph 8, during the first budgetary period, the Section would have to be reinforced with general temporary assistance staff at the Professional and General Service levels.[22]

63. The **Analysis Section** would have to be provided for in the first budgetary period to serve functions such as collecting and analysing potential evidence on systemic facts required by contextual elements of crimes;[23] analysing military, police and civilian power structures in territorial States; developing evidence relevant to superior responsibility; advising senior management on investigation strategy by assessing overall victimization in territorial States;[24] identifying and assisting experts; analysing document collections; providing a mapping and reference service and sensitive sources coordination; and assisting the Legal Advisory and Policy Section with the training of staff members on background information relevant to territorial States. The Section should be led by a Chief Analyst (P-4)and have one Military Analyst (P-3), one Political Analyst (P-3) and one Criminal Intelligence Analyst (P-2), supported by one General Service (Other level) staff member. If a full investigation starts or an evidence preservation situation were to arise under article 18, paragraph 6, or article 19, paragraph 8, during the first budgetary period, it would be necessary to hire two or three additional analysts (P-2/P-1) with expertise relevant to the territorial State(s) on a general temporary assistance basis.

64. Accordingly, the overall staffing resource requirement of the Investigations Division would consist of one D-1, one P-5, four P-4, four P-3, one P-2 and seven General Service (Other level) staff.

65. Resources should be foreseen for travel of staff of the Office of the Prosecutor, including with regard to functions pursuant to article 15 of the Statute, as well as for special printers, scanners, photocopiers, monitors and software requirements. For reasons of confidentiality and security it is necessary for the Office of the

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[22] In such a situation the Prosecutor may wish to establish a rapid reaction capacity within the Investigation Section, led by regular section members but supplemented by general temporary assistance staff. The Office would also have to turn to general temporary assistance staff in case there was a need for forensic expertise during the first budgetary period. It is very difficult to estimate the number of general temporary assistance staff that the Investigation Section would require if there was a need for upsurge capacity during the first budgetary period.

[23] For example, the existence of an armed conflict or a widespread or systematic attack directed against a civilian population. These requirements refer to systemic facts which differ fundamentally from the crime-specific facts with which criminal investigators normally work in national jurisdictions.

[24] The experience of ICTY shows that it is essential to have an appropriate analytical capacity within the Office of the Prosecutor from the outset of its work. By providing an early overview of the overall victimization in a situation referred to the Court, the Analysis Section would play a vital role in developing a proper investigation strategy of the Office of the Prosecutor, which can have significant long-term resource implications (a proper investigation strategy will contribute to a more focused and economical prosecution).

Prosecutor from the beginning of its operation to have a computer network that is entirely separate from the rest of the Court and unconnected with the outside world.

66. The organizational chart of the Office of the Prosecutor is set out in annex I.B. Proposed post requirements are outlined in table 7.

XI. The Registry

67. The structure and staffing requirements of the Registry would depend on the level and scope of activities of the Court.

68. The Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the powers and functions of the Prosecutor (Statute, art. 43, para. 1). It shall be headed by the Registrar, who shall be the principal administrative officer of the Court (ibid., para. 2). Under article 38, paragraph 3 (a), of the Statute, "[t]he President, together with the First and Second Vice-Presidents", constituting the Presidency, is entrusted with "the proper administration of the Court, *with the exception of the Office of the Prosecutor*" (emphasis added). Moreover, pursuant to article 43, paragraph 2, "the Registrar shall exercise his or her functions under the authority of *the President*" (emphasis added) and, in accordance with paragraph 1 of the same article, is "responsible for the non-judicial aspects of the administration and servicing of the Court". Article 42 grants the Prosecutor "full authority over the management and administration of the Office, including the staff, facilities and other resources thereof". Therefore, a distinguishing aspect of the International Criminal Court is that the Registrar is placed more directly under the judiciary, and the Prosecutor is granted explicit powers regarding the administration of the Office of the Prosecutor.

69. In order to maintain this division between the administrative functions to support the judiciary and the administrative functions which support the Office of the Prosecutor, while at the same time maximizing economy and efficiency, it is advisable in the budget for the first financial period of operation of the Court to provide for the establishment of a Common Services Division. This common administrative branch, although not organizationally part of the Registry, would report to the Registrar. It is anticipated that the judiciary and the Office of the Prosecutor would pool those administrative services that are a common requirement of both.[25] The requirements of the Registry in the first financial period take into account this approach.

70. The Registrar shall be elected by the judges. A Deputy Registrar can be elected "if the need arises, and upon the recommendation of the Registrar" (Statute, art. 43, para. 4). It is assumed that the Registrar would be elected by the judges as soon as possible following the Inaugural Meeting. It is further assumed in the present budget that it would not be absolutely essential to have a Deputy Registrar in the first financial period.

[25] See sect. XII below.

Staff requirements for the Registry

Office of the Registrar

71. The **Immediate Office of the Registrar** would be responsible for the daily management of the judicial pillar of the Court, under the overall authority of the Presidency in conformity with articles 38 and 43 of the Statute. The Immediate Office would also be responsible for liaison and coordination with the Common Services Division on behalf of the judiciary. It would also focus on rendering advice on international law aspects, including the interpretation and application of legal instruments regarding the status, privileges and immunities of the ICC, international agreements with the host country and as well as with other States, relocation-of-witnesses agreements and donation agreements. The Immediate Office would consist of the Registrar at the Assistant Secretary-General level, a Legal Officer (P-4) to act as legal adviser, a Special Assistant (P-2), one General Service (Principal level) and one General Service (Other level) staff.

72. Moreover, in order to assist the Registrar in the administrative matters that he/she must perform for the Presidency and the Chambers, provision should be made for a separate management function in the form of an **Administrative Unit** attached to the Immediate Office of the Registrar, which would include a Budget Officer (P-4) and a Personnel Officer (P-3) to liaise with the relevant offices of the Common Services Division, supported by a General Service (Other level) staff. In addition, due to the overwhelming high level of resources that the translation and interpretation services would require, in particular bearing in mind that the Court would be using a diversity of official languages, the Court would have to be staffed with an adequate number of translators/interpreters, sufficient to meet the requirements of the judiciary. It is, therefore, also recommended that a P-4 Language Coordinator be placed within this Unit to coordinate on a daily basis the language requirements of the judiciary.[26]

73. While it may not be necessary for all judges to serve immediately on a full-time basis as soon as they are elected, it is advisable, as at ICTY, that a **Chambers Legal Support Section** be set up to support the judges who are involved in pre-trial and trial work, and to commence preparatory work as soon as possible. The activities of the Section would include providing substantive legal advice on issues of criminal procedure, interpretation of the Statute or issues of international law; research and editorial support for the drafting of orders, decisions and judgements; case management support for the Registrar and for the organization of the judicial activities of the Chambers; organization of judicial meetings, such as pre-trial conferences, in collaboration with various sections falling under the responsibility of the Registrar; and generally to act as liaison between the judges, the parties and other organs of the ICC.

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[26] See also footnote 16 (Office of the Prosecutor), in which the requirement for a separate translation and interpretation function within the Office of the Prosecutor is set out. Within the judicial pillar, it will be necessary to have a similar translation and interpretation function, which can grow from the post set out here. In the judicial pillar, this function will be responsible for translating/revising and interpreting documents and statements which become part of the case file. The ICTY experience shows that it is essential to have those providing the translation and interpretation services close to the substantive offices which assign them work.

74. It would be of importance to create from the beginning separate sections for pre-trial, trial and appeals proceedings. In the first financial period, judicial proceedings may primarily take place in the pre-trial phase and on (interlocutory) appeal. Given the importance of such issues for the future functioning of the Court, adequate staffing is needed from the very beginning of its operation.

75. It is envisaged for one Head of the Chambers Legal Support Section to be appointed at the P-5 level, to serve both the pre-trial, trial, and appeals structures that would be set up. It is proposed that the legal research/assistance function be filled at the P-3 level in the first budgetary period. Two such positions would be necessary. In addition to those posts, administrative support staff would be needed for those judges serving on a full-time basis and the Professional staff. It is recommended that each staff member at the P-5 level and above have a General Service level assistant, and that other Professional staff be supported at the ratio of one General Service level assistant for two Professionals, all to be recruited only at the time the senior position is filled. It will further be necessary to provide for a Secretary (General Service (Other level)) for each judge serving on a full-time basis.[27] Thus a total of eight General Service (Other level) staff members would be required.

76. **Public Information and Documentation Section**. The Section would be headed by the Spokesperson for the Presidency (P-4). It is to be expected that there will be many public affairs functions needing to be fulfilled in the first financial period. A comprehensive web site should be set up and, in general, a strategy would have to be devised and implemented to put the Court on the world map. A related issue concerns targeted outreach functions which may have to be performed as the Court becomes involved in cases originating from various parts of the world. Such outreach programmes are not expected to be activated during the first financial period, but need to be included in the planning for this section. It is proposed that, initially, the information and documentation should be set up under the aegis of the Registrar. In later stages of the development of the Court, the Office of the Prosecutor may assume some of the public information functions in respect of that Office.

77. From the first day of operation it will be essential to have a computer specialist in the Section who can begin constructing a web site. It is proposed that such a specialist be recruited at the P-3 level. It is further proposed that the Section should also include one Information Officer (P-2), and one media assistant (General Service (Other level)).

78. **Library and Reference Section**. The building up of a good library will be pivotal in the first financial period, especially given the standard-setting work which the Court will be carrying out in its first years of operation. It is therefore proposed that the Section should be staffed with a Librarian (P-3) and, in the course of the first financial period, an Archivist (P-2) and an Administrative Assistant (General Service (Other level)).[28] It is assumed that the Court library will become part of the United Nations Library network for the purpose of accessing legal databases, etc.

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[27] These functions should not be duplicated with the secretarial staff recruited to support the Presidency, i.e. two GS (OL) positions and one GS (PL) position. See paras. 40 and 41 above.

[28] Drawing on the ICTY experience, it will take quite some time before all library requirements have been identified and acquired. In that light, the offer of the ICTY Registrar to place the

Judicial Services Division

79. Under the direction of the Registrar,[29] for the first financial period, the Division would be responsible for managing courtroom operations, providing legal aid through the assignment of defence counsel, recommending protective measures and providing counselling and support to victims and witnesses. In the first year of operation, it might consist of the following sections and units.

80. The **Court Management Section** would be responsible for managing the operations and proceedings of the Court, developing directives and regulations to govern the operation of the Court proceedings and related judicial matters (see art. 52 of the Statute). It would also be responsible for conducting research and drafting legal submissions to the Chambers regarding legal issues which may have an impact upon the procedure of the Court sessions insofar as they concern the Registry; providing supervision over the procedural and Court-related aspects of all cases before the Court; advising on different practices on the implementation of the Rules of Procedure and Evidence; as well as coordinating with the Security Section, the Conference Services and Language Section and other sections on the functioning of the courtrooms. It is proposed that the Chief of this Section should be recruited at the P-4 level. It is further proposed, in the light of the standard-setting work that will need to be done, that the Chief of Section should be assisted by a lawyer, who in the first financial period of operation could also act as a Court Officer. This post could be filled at the P-2 level. Also necessary will be the functions of File Clerk and Court Records Management Assistant, which in the first financial period of operation could be combined. This post could be filled by a General Service (Other level) staff. A further function required in the first financial period of operation is that of Court Clerk/Usher (General Service (Other level)).

81. It would be necessary to include in the first budget a certain degree of flexibility so as to meet any urgent and unexpected requirements, in areas such as field operations, travel, overtime, court reporting and the making of transcripts.

82. **Victims and Witnesses Unit**. The Statute and finalized draft Rules of Procedure and Evidence of the Court assign a significant role to the Victims and Witnesses Unit. The "clients" of the Unit will include, in addition to witnesses and victims who appear before the Court, other individuals at risk on account of a testimony. In addition to the traditional duties of protection, support and logistical/administrative/operational assistance, the Unit would be required, among other matters, to provide training to the Court, recommend codes of conduct for investigators, defence, NGOs, etc., and advise witnesses in obtaining legal representation.

83. It is assumed that the Victims and Witnesses Unit during the first financial period of operation would need to prepare itself for worldwide operations and

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ICTY library at the disposal of ICC officials in the start-up phase is significant. This can, however, only be a temporary solution, given the close proximity which much of the material must have to its users.

[29] The Judicial Services Division could be headed at the D-2 level. It is assumed that during the first financial period there would not be enough activities to justify the establishment of the post. However, should the position become necessary, the appropriation line adopted by the States Parties under regulations 4.2 and 4.3 of the draft Financial Regulations may be utilized, or supplementary budget proposals under draft Regulation 3.6 may be submitted by the Registrar.

deployment at short notice as much as possible before the first witnesses arrive. In this connection, also included in the present budget proposal are funds to allow for upsurge capacity with regard to operations based on the equivalent of general temporary assistance funds used in the United Nations system. Based on these assumptions, it is anticipated that the following posts will need to be provided for in the first period of operation of the Court.

84. It is proposed that the Chief of the Unit should be recruited at the P-5 level, in the light of the particular requirements of the position and the type of expertise demanded. It is further essential that a Protection Officer at the P-3 level and an Operations Officer (P-3) be included with the initial set-up of the Unit. In the initial phases of setting up the Unit, a considerable amount of legal work will need to be done. For this purpose, it is proposed that the legal adviser from the Immediate Office of the Registrar be utilized. In addition, an Administrative Assistant (General Service (Other level)) would be necessary for the Unit. Unless the actual arrival of witnesses is expected in the first financial period, a Support Officer may not be immediately necessary, as the initial work could also be done by the Chief of Section. However, a Support Officer may have to be recruited at short notice, through the use of the provision for temporary assistance.

85. As regards non-staffing costs required for the first financial period, the following general remarks can be made. The Victims and Witnesses Unit would need to procure the appropriate services and equipment in the area of communications and information technology. In the event of the early participation of victims/witnesses in court proceedings, significant funds equivalent to general temporary assistance funds used in the United Nations system would need to be available for contracting primary support services when required.

86. **Defence Counsel Unit**. In the first financial period, and, most likely thereafter as well, legal aid and legal detention matters should be handled by the same office. The Unit would cover three core functions: legal aid, general assistance to defence counsel, and detention matters. The defence (team) and the defendant are in practice one "customer" for the services to be provided, one party for decisions to be addressed to, and one information structure to be aware of when managing the functions.[30]

87. For the first financial period, the functions outlined above could be translated into the following positions. Firstly, there would be a need for a Chief of Unit, who would have to initiate, supervise and manage the drafting of rules and policies and liaise with external parties. Such a manager would have to be recruited at the P-4 level in view of the relevance of the matters for fair trial and the financial management and responsibility connected with the post. Secondly, an Associate Legal Officer at the P-2 level would be required to do much of the groundwork regarding the necessary legal research and drafting. It is envisaged that a Secretary (General Service (Other level)) would be necessary to assist the Unit in facilitating communications, distributing material, establishing databases, etc. Although it is assumed that a situation will not be referred to the Court in the first financial period, such a possibility cannot be completely discarded. Thus, a provision in the amount

[30] The legal aid function advises detainees on the relevant rules for assignment of counsel (Statute, arts. 55, 67). Most detainees address complaints through their lawyers to the Registry and take an active role in the selection of their co-counsel. In maintaining the physical and mental integrity of detainees, counsel is an important partner for the organization.

of €580,000 is included in the reserve for unforeseen expenses to cover legal aid costs if and when necessary. In addition, general temporary assistance funds should be available for the possible requirement of specific investigations, field operations, travel and consultants for specific legal or other matters.

88. **Detention Unit**. In the first financial period of operation of the Court, the Detention Unit would be involved in setting up an appropriate detention facility,[31] establishing adequate procedures[32] and setting up training systems for the relevant staff.[33]

89. These functions could be translated into the following positions: a Commander of the Unit (P-4), a Deputy Commander (P-2) and one Administrative Assistant (General Service (Other level)). Flexible means of recruiting detention guards, in case of need, could be considered.[34]

90. The overall staffing resource requirements of the Registry would consist of one staff at the Assistant Secretary-General level; two P-5; seven P-4; seven P-3; six P-2; and one General Service (Principal level) and 17 General Service (Other level) staff. The organizational structure of the Registry is set out in annex I.C and the proposed post requirements are outlined in table 9.

XII. Common Services Division

91. Particularly for the purposes of the first financial period, the establishment of the Common Services Division is intended to maximize efficiency and economy within the parameters of the strict division of powers set out in the Statute between the judiciary (Presidency, Chambers and Registry) and the Office of the Prosecutor. In this model, the judicial branch of the Court would administratively be overseen by the Presidency until the election of the Registrar, while the Office of the Prosecutor would have its own administrative powers. The Common Services Division is envisaged as a common branch in which the judiciary and the Prosecutor could pool those administrative services that are a common requirement for both. The Division would report to the Registrar or, in his or her absence, to the Presidency, while being functionally responsible to the Prosecutor in accordance with article 42 of the Statute. Examples of such services would be: general services, building management, finance, many aspects of security, procurement, certain aspects of human resources (including training), information technology and communication matters, and some aspects of conference and language services. It is

[31] The establishment of such a facility is crucial for later operations, guaranteeing appropriate detention standards for detainees. The facility would need to include proper cell spaces, recreation space, medical facilities, visiting facilities for small or large groups, cell and visit monitoring equipment, search facilities, interview rooms, etc.

[32] Standard procedures for detention must be in place before accused persons are detained. These may include post orders, medical emergency procedures, standard operations procedures, etc.

[33] It is required that core staff be trained and prepared to deal with the specific needs of detention matters in an international environment in order to be able to train new staff upon detention of individuals at the ICC detention facility.

[34] In this connection, the ICTY experience with a flexible and cost-efficient arrangement with the competent authorities of the Netherlands, whereby cells are rented in conjunction with certain services (prison guards, medical facilities, services for detainees, etc.) on a price-per-cell basis. The cells and the services are leased by the ICTY based on a minimum amount of units, each consisting of 12 cells.

anticipated that during the first financial period of operation of the Court the division will be heavily tasked with many of the operational start-up matters connected with setting up a new international organization. It is envisaged that the Common Services Division would be granted a sub-budget by both the Registrar (on behalf of the Presidency) and the Prosecutor (for the Office of the Prosecutor) to provide the administrative support which each of them requires and would have budgeted for.

92. For the purposes of the first financial period, it is anticipated that the division would be headed by a Director (D-1), who would oversee the work of general administrators and staff with experience in setting up courts. As the establishment of the Court progresses, certain functions, mainly those that are specifically court-related, would be transferred from the Common Services Division to the Office of the Prosecutor or Registry, as appropriate.[35]

93. The Common Services Division would be composed of the following offices and sections.

94. **Office of the Director of Common Services**. The Director of Common Services would direct eight sections. He/she would be supported by one Administrative Assistant (General Service (Other level)).

95. **General Services Section**. The Section would be responsible for travel and traffic arrangements as well as building management and transport activities. It would be headed by a Chief of Section (P-4). The Section would consist of a Building Management Unit, a Central Records Unit, a Protocol Unit, a Logistics Unit and a Travel Unit. Accordingly, these units would require one Building Management Officer (P-3), one Archivist (P-3), one Protocol Officer (P-3), one Logistics Officer (P-3) and one Travel Officer (P-2). One Senior Graphics Design Assistant (General Service (Principal level)) and 10 Service Assistants (General Service (Other level)) would assist in these units. As shown in the organizational structures of the Presidency and the Common Services Division (annex I.A and D), this section would also include one clerk/driver for the President. This structure assumes that there would be no field operations and that most of the focus would be on basic start-up activities.

96. **Procurement Section**. The Section should be independent of the other sections of the division to avoid any appearance of conflict of interest. It would be headed by a Chief (P-4), and would include one Procurement Officer (P-3) and two Procurement Assistants (General Service (Other level)). As it is anticipated that there would be a large procurement workload in connection with the start-up phase, this minimum staffing would have to be increased to meet extra operational requirements such as activities in the field.

97. **Personnel Services Section**. Besides dealing with a surge of recruitment, the Section would have to deal with the setting up of all personnel administration

[35] In this connection, attention is drawn to the translation and interpretation function, which for reasons of economy could, in the first financial period or part thereof, be coordinated within the Common Services Division but which will have to divided into two separate functions quite soon: one for the judicial and one for the prosecutorial pillar (see paras. 52 and 72). It is to be expected that, within the split, certain aspects of the function could be pooled in the Common Services Division. However, the details of the manner and the extent to which that should be done will be best determined by the senior management of the Court at the time.

systems and processes. The proposed staffing structure would include one Chief of Section (P-5), one Classification Officer (P-4), one Recruitment Officer (P-3), three Human Resources Assistants (General Service (Principal level)) and one Administrative Assistant (General Service (Other level)).

98. **Budget and Finance Section**. The Section would be responsible for setting up all financial systems and controls. In addition, it is assumed that the Section would have to administer and process financial assessments of States Parties. The proposed staffing structure would include one Chief Finance Officer (P-5), one Accounts Officer (P-4), one Budget Officer (P-4), one Disbursements Officer (P-3), one Investment Officer (P-3), one Payroll Officer (P-4), one Cashier (P-3), and one Contributions Officer (P-2). In addition, it would be necessary to include five Finance Assistants (General Service (Other level)) and one Administrative Assistant (General Service (Other level)).

99. **Conference and Language Support Services Section**. In the first financial period of operation, the Section would be mostly responsible for the administrative aspects of translation and simultaneous interpretation services. The proposed structure could be headed by a Chief of Section (P-5) and comprise three Interpreters (P-4), one Head of the Translation Unit (P-4), who will supervise five Translators/Revisers (P-3). It would further be necessary to include two Language Assistants (General Service (Other level)) and one Administrative Assistant (General Service (Other level)). This staffing structure would create the capacity to deal with the official languages of the Court given limited trial activity. Flexibility to recruit on the basis of the equivalent of general temporary assistance funds used in the United Nations will be necessary if other languages and tasks are added to the work of the Section.

100. **Information Technology and Communications Services Section**. The responsibilities of this Section would include computer and communications services. The Section would have to engage in IT development and in setting up structures to support headquarters and field operations. Accordingly, the proposed structure would consist of one Chief of Section (P-5), one Development Officer (P-4), one Computer Systems Officer (P-3), one Programmer/Analyst (P-3), one Associate Computer Officer (P-2), one Associate Audio-visual Officer (P-2), one Associate Computer Training Officer (P-2) and one Associate Database Administrator (P-2), to be supported by seven IT Assistants (General Service (Other level)) and one Administrative Assistant (General Service (Other level)).

101. **Safety and Security Section**. The Section would be responsible for ensuring the security of the Court premises and for coordinating and implementing an information security policy, in concert with both the judicial branch and the Office of the Prosecutor. In the first financial period, the Section would have to set up security systems to cover operations (evacuation systems and protocols, staff security awareness policies and training, and information security policies). In addition, and probably later in the first financial period, the functions of the section may include the requirement to ensure the safety of witnesses in the premises both before and after testifying.

102. The staffing requirements for the first year would include a Chief of Security (P-4), an Information Security Officer (P-3), an Associate Security Assessment Analyst (P-2) and one Administrative Assistant (General Service (Other level)). Moreover, it would be necessary to include 20 Security Officers to provide 24-

hour/7 days-a-week guard shifts in addition to the more general security services provided by the host State, as has been the custom at ICTY.

103. **Legal Advisory Services Section**. In the first financial period of operation, the Section would provide legal advice to the Director of the Common Services Division on the legal aspects of administrative matters and complex commercial contracts. It would be involved in the review of all human resources structures and policies, all procurement structures and policies, and all other policies that would be put in place. The staffing requirements for the first standard-setting period would include one Legal Officer at the P-4 level and one Legal Officer at the P-3 level, to be supported by a Secretary (General Service (Other level)).

104. It would seem advisable to envisage for the Division of Common Services a category entitled "Other staff costs". Requirements under this heading would provide for: (a) general temporary assistance resources for replacements in the division during periods of extended sick or maternity leave; and (b) resources to meet overtime and night differential requirements that might arise. Similar provisions would be needed for the Office of the Prosecutor and for the Registry.

105. The overall staffing requirements of the Common Services Division would thus consist of 1 D-1, 4 P-5, 12 P-4, 17 P-3, 7 P-2, 2 General Service (Principal level), 36 General Service (Other level) and 20 Security Service staff. The organizational structure of the Common Services Division is set out in annex I.D and the proposed post requirements are outlined in table 11.

XIII. Furniture and equipment

106. During the critical start-up phase, it will be necessary to provide for equipment and furniture to enable all the organs of the Court as well as other bodies and services to function efficiently and effectively in the administration of justice. For example, there will be a need for equipment for electronic scanning and digitizing documents to allow for efficient storage and retrieval of documents and information, including the preservation of evidence. Furniture and equipment will also be required for officials and staff members.

Part Two
Provisional estimates for the first financial period of the Court

I. Summary of estimates

107. As indicated in the introduction, if the sessions of the resumed first meeting of the Assembly of States Parties, the second meeting of the Assembly, special session of the Assembly, the meetings of the Bureau of the Assembly of States Parties and the meetings of the Budget and Finance Committee are held at The Hague, it is estimated that the total cost for the first financial period of the Court would be €39,891,300, of which €30,764,200 would relate to the cost of operations of the Court, €5,881,900 to the costs of the aforementioned meetings and €3,245,200 to the first meeting of the Assembly of States Parties, to be held in New York in 2002.

108. If the above-mentioned meetings are held in New York, it is estimated that the total requirements would be €39,696,900, of which €5,687,500 would relate to the costs of the meetings. The difference in the estimates is attributable to the net effect of the higher non-conference-servicing costs associated with holding the meetings at The Hague, which more than offsets the lower conference-servicing costs associated with that location. The requirements estimated at €3,245,200, related to the holding of the first meeting of the Assembly of States Parties are expected to be funded through the Trust Fund to Support the Establishment of the International Criminal Court. Since the seat of the Court will be at The Hague, the cost of its operations is not affected by the choice of the venue of the meetings mentioned above. Those estimates are summarized in table 1.

109. It should be understood that these estimates are to a great extent indicative. An attempt was made to draw upon the experience of the International Tribunal for the Former Yugoslavia as well as the International Tribunal for Rwanda. However, given its broader scope and jurisdiction, the International Criminal Court is a unique institution and consequently there are elements that of necessity remain highly uncertain. Nonetheless, more precise estimates will be developed as States Parties make further decisions regarding a wide range of issues, including, inter alia, in-kind contributions to be provided by States Parties, the conditions of service and emoluments of judges, and staff rules.

110. The estimates presented below are based on the assumption that there will be no trials or detainees during the first financial period of the Court. Nevertheless, account has been taken of the need to allow a certain degree of scalability and flexibility, which will allow the Court to respond quickly to an upsurge of activities. Such scalability and flexibility are built into the estimates through the provisions for general temporary assistance and the reserve for unforeseen expenses. States Parties may wish to establish adequate policies and procedures for the authorization, use and reporting of expenditures incurred under the reserve for unforeseen expenses, in order to ensure its rigorous and prudent management. Annex V summarizes the provisions included under the reserve for unforeseen expenses.

111. It should also be noted that paragraph 3.6 of the draft Financial Regulations of the Court provide for supplementary budget proposals to be submitted by the Registrar if circumstances unforeseen at the time of adoption of the budget make it necessary. Annex VI contains a list of outstanding items that were not included in these estimates, but which may have to be included in the future.

112. Notwithstanding the foregoing assumptions, the possibility of a situation being referred to the Court cannot be completely precluded. Article 13 of the Rome Statute prescribes that a situation can be referred to the Court by a State Party, the Prosecutor or the Security Council in accordance with Chapter VII of the Charter of the United Nations. With regard to the latter instance, it is the understanding of the United Nations that such referrals will require that an agreement be entered into by the Secretary-General and the Registrar, subject to the approval of the General Assembly and the Assembly of States Parties, defining the modalities for cost-sharing between the two institutions.

113. The total resource requirements for the first financial period of operation of the Court is estimated at €30,764,200, net of the requirements for the meetings of the Assembly of States Parties, the Bureau and the Budget and Finance Committee.

Table 2 contains a breakdown of the estimated requirements by object of expenditures.

114. As summarized in table 3, it is estimated that a total of 195 posts (100 in the Professional category and above and 95 in the General Service and related categories, including 20 security posts) would be needed for the year 2003. For the first four months of the Court's operations (September-December 2002), as summarized in table 4, a total of 64 posts (36 in the Professional category and above and 28 in the General Service category, including 10 security posts) would be required to secure the initial functioning of the Court.

115. The estimates provided herein should be revised when more precise information becomes available. In particular, estimates regarding rental of premises and information technology equipment have been included. As mentioned in the introduction (para. 8), the host Government has indicated that it will "provide for and finance 'interim' accommodations worthy of the Court" in order to enable the Court to start its operations from the first day of its existence. When the details of the host Government's offer become known, the estimates will have to be revised. At that time, it will also be possible to determine whether or not estimates in respect of a number of non-recurring items, such as alteration of premises, conference furniture and equipment, and wiring for computer networking, will have to be included in the budget.

Table 1

Summary of estimates for the first financial period of the Court by programme

(In thousands of euros)[a]

		Estimated requirements
A. Operations of the Court		
1. Presidency and Divisions		2 025.7
2. The Prosecutor		4 964.6
3. The Registry		4 059.0
4. Common Services Division		19 714.9
Total A		**30 764.2**
B. Meetings of the Assembly of States Parties, of the Bureau and of the Budget and Finance Committee[b,c]		
	New York	**The Hague**
1. Conference-servicing costs	3 557.4	3 437.5
2. Non-conference-servicing costs	819.3	1 088.8
3. Programme support costs (13% of total of 1 + 2)	569.0	588.4
4. Reserve for contingency (15% of total of 1 + 2 + 3)	741.8	767.2
Total B	**5 687.5**	**5 881.9**
C. First meeting of the Assembly of States Parties (New York, 2002)[d]	3 245.2[e]	3 245.2[e]
Grand total (A + B + C)	**39 696.9[e]**	**39 891.3[e]**

[a] Exchange rate: US$ 1.00 = €1.16.

[b] Excluding the first meeting of the Assembly of States Parties, to be held in New York in 2002.

[c] See annex II.

[d] See annex II and A/C.6/56/L.25 and General Assembly resolution 56/85.

[e] If it is decided that the first meeting of the Assembly of States Parties will require only two meetings per day, instead of four, then the estimated cost of the entire meeting would be €3,083,400 ($2,658,100); consequently, the total estimated requirements for the first financial period of the Court would be €39,729,500, if the other aforementioned meetings were held at The Hague, or €39,535,100 if they were held in New York.

Table 2
Summary of estimates for the first financial period of operation of the Court by object of expenditure
(In thousands of euros)

	Estimated requirements
Salaries, allowances and entitlements of judges	2 011.8
Posts[a]	13 944.6
Other staff costs	1 527.6
Consultants and experts	27.8
Travel	172.8
Hospitality	6.0
Contractual services	362.1
General operating expenses	3 350.3
Supplies and materials	367.9
Furniture	829.9
Office automation equipment	1 399.3
Other equipment	5 361.5
Maintenance of furniture and equipment	200.3
Unforeseen expenses	1 202.34
Total requirements	**30 764.2**

[a] It is assumed that in the period from September to December 2002, the activities of the Court will be carried out by a "core staff", comprising 64 posts. For 2003, a vacancy rate of 17 per cent was applied, on the assumption that staff will be recruited in a phased manner.

II. Work programme

116. It is assumed that during the first financial period the Court will be dealing mainly with matters related to its internal organization and other start-up needs as well as public and media relations. The Court will need only the minimal level of resources necessary to undertake the tasks of setting up its operations and preparing to receive eventual cases. In accordance with the document entitled "Road map leading to the early establishment of the International Criminal Court" (PCNICC/2001/L.2), the judges and the Registrar will not be elected prior to year 2003. Thus, for the period from September to December 2002, provisions are made only for a small number of "core staff", comprising 64 posts, including the post of Director of Common Services (D-1) and a post at the level of Assistant Secretary-General, to provide for the temporary appointment of an official to assume the functions of the Registrar, prior to the election of the latter.

Table 3
Summary of post requirements for the International Criminal Court for 2003

	Estimated requirements
Professional category and above	
USG	1
ASG	2
D-2	1
D-1	2
P-5	12
P-4	31
P-3	37
P-2/1	14
Total	**100**
Other categories	
General Service (PL)	7
General Service (OL)	68
Security and Safety	20
Total	**95**
Grand total	**195**

Table 4
Post requirements for the Court for the period from September to December 2002
(Core staff requirements)

	Estimated requirements
Professional category and above	
ASG	1
D-1	1
P-5	4
P-4	9
P-3	14
P-2/1	7
Total	**36**

	Estimated requirements
Other categories	
General Service (PL)	3
General Service (OL)	15
Security and Safety	10
Total	**28**
Grand total	**64**

A. The Presidency, the Divisions and the Chambers

Activities

117. According to article 35, paragraph 2, of the Rome Statute, the three judges comprising the Presidency, namely the President, the First Vice-President and the Second Vice-President, shall serve on a full-time basis as soon as they are sworn in. It is expected that in the first financial period of the Court, the Presidency would be concerned mainly with high-level external relations and communication and organizational matters, including actions, undertaken in conjunction with the Registrar, aimed at establishing systems for the functioning of the Chambers. For details concerning the activities of the Presidency in the first financial period of the Court see Part One, paragraph 38, of the present document. The President and the Vice-Presidents will be assisted by one Chef de Cabinet (P-5), one Spokesperson (P-4), one Legal Officer (P-3), one Clerk/Driver (General Service (Principal Level), and two Secretaries (General Service (Other level)).

118. The Presidency, on the basis of the workload of the Court and in consultation with its members, will decide to what extent the remaining 15 judges will be required to serve on a full-time basis. Provisions are currently made for 9 judges, including the President and the Vice-Presidents, working a full-time basis.

Resource requirements

119. The estimates included under this heading are related to the salaries, allowances and common costs of judges. It was also considered prudent to include a modest provision for official travel of judges. Requirements for travel related to attendance at sessions of the Assembly of the States Parties, the meetings of the Bureau and of the Budget and Finance Committee were not included under this heading, as they are reflected under the non-conference-servicing costs related to those meetings.

120. On the basis of the above assumptions, resource requirements for the Presidency, the Chambers and the Divisions have been estimated at €2,025,700, as shown in table 5.

Salaries and allowances of judges

121. For the purposes of these estimates, it has been assumed that the remuneration and conditions of service of the judges of the ICC would be similar to those of the

judges of the International Court of Justice. Therefore, a provision of €1,559,500 is requested to cover the annual salary of €185,600 ($160,000) of nine judges, together with a provision for the payment of a special annual allowance of €17,400 ($15,000) for the President and a special annual allowance of €10,900 ($9,400) for each of the two Vice-Presidents. The latter is to be paid to the Vice-Presidents for each day they act as President, provided that, on an annual basis, such special allowance does not exceed €10,900 ($9,400) in total. Should the States Parties decide to adopt a different remuneration and conditions of service for the judges, these estimates would have to be revised.

Common costs of judges

122. Requirements estimated at €452,300 would provide for business-class travel on appointment, installation allowance, removal of household effects, education grant and home leave entitlements.

Staff costs

123. Costs related to staff directly assigned to the Presidency and the Divisions are not included under this heading. For administrative purposes, the staff assigned to substantively service the Presidency and the Divisions are included under the Registry, except for the post of Clerk/Driver (General Service (Principal level)), which is included under the Common Services Division.[36] However, for ease of analysis, an organizational chart of the Presidency, the Chambers and the Divisions of the Court reflecting the related posts under the Presidency is presented in annex I.A to the present document.

Travel

124. It is assumed that travel of judges would be limited in the first year of the Court's operation. Thus, a modest provision of €13,900 has been included under for travel of judges.

[36] See Part One, para. 69.

Table 5
Estimates by object of expenditure[a]
(In thousands of euros)

A. Presidency, Divisions and Chambers of the Court

Expenditure	*Estimated requirements*
Salaries and allowance of judges	1 559.5
Common costs of judges	452.3
Travel of judges	13.9
Total requirements	**2 025.7**

[a] Does not include requirements for posts directly assigned to the Presidency and the Divisions of the Court. Such requirements are included under the Registry (see table 8).

B. Office of the Prosecutor

Activities

125. The structure and staffing of the Office of the Prosecutor in the first financial period of operation of the Court will allow the Prosecutor to carry out the tasks related to the initial establishment of the Office. However, resources are provided under general temporary assistance and the reserve for unforeseen expenses to allow the Office to respond to an upsurge in activities that may require a full prosecutorial and investigative capacity. For further details regarding the activities of the Prosecutor in the first financial period of the Court, see Part One, paragraphs 47 to 50, above.

126. Once the Prosecutor is elected, it would be necessary to set up an Immediate Office of the Prosecutor, consisting of the Prosecutor, one Deputy Prosecutor, a Special Assistant to the Prosecutor (P-5), a Special Assistant to the Deputy Prosecutor (P-4) and a Spokesperson (P-4). The Immediate Office would also be supported by administrative and secretarial staff. The Prosecution Division, comprising the Prosecution Section, the Legal Advisory and Policy Section and the Appeals Section, will be headed by a Director of Prosecutions at the D-2 level. The Investigation Division, comprising the Information and Evidence Section, the Investigation Section and the Analysis Section, would be headed by a Chief of Investigations at the D-1 level.

Resource requirements

127. Requirements for the Office of the Prosecutor are estimated at €4,964,600, distributed as described in table 6.

Table 6
Estimates by object of expenditure
(In thousands of euros)

B. Office of the Prosecutor

Expenditure	*Estimated requirements*
Posts	3 702.1
Other staff costs	940.0
Travel (including travel for purposes of investigation)	76.5
Reserve for unforeseen expenses	245.9
Total expenditures	**4 964.6**

Table 7
Post requirements for 2003

B. Office of the Prosecutor

	Estimated requirements
Professional category and above	
USG	1
ASG	1
D-2	1
D-1	1
P-5	5
P-4	12
P-3	10
P-2/1	1
Total	**32**
Other categories	
General Service (PL)	1
General Service (OL)	16
Total	**17**
Grand total	**49**

Posts

128. Requirements estimated at €3,702,100 would provide for 49 posts (32 in the Professional category and above and 17 in the General Service category). Details concerning the staffing and its distribution in the Office of the Prosecutor can be found in Part One (paras. 50-64), table 7 and annex I.B.

Other staff costs

129. The provision of €940,000 would provide the equivalent of 17 work-months of general temporary assistance at the P-4 level, 32 work-months at the P-3 level, 17 work-months at the P-2 level and 26 work-months of General Service (Other level), (€926,100) as well as overtime and night differential (€13,900).

Travel

130. It is assumed that limited travel would be required in respect of the Prosecutor, the Deputy Prosecutor and other staff in the Office of the Prosecutor. A provision of €76,500 has been made to cover travel, such as for consultations and other business in connection with the installation of the Court. Travel and daily subsistence allowance costs related to attendance at sessions of the Assembly of the States Parties, the meetings of its Bureau and the meeting of the Budget and Finance Committee are not included under this heading, as they are reflected under the non-conference-servicing costs related to those meetings.

Reserve for unforeseen expenses

131. As explained above, this provision is made in order to give the Court, in this case the Office of the Prosecutor, a certain degree of scalability and flexibility so it may readily react to an upsurge in activities. It has been pointed out that the possibility of a situation being referred to the Court or of an evidence preservation situation arising in the first financial period of the Court cannot be completely ruled out. Accordingly, requirements estimated at €245,900 are included under this heading to provide for additional travel that may become necessary for investigation purposes or other prosecutorial activities.

C. The Registry

Activities

132. The Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor, in accordance with article 42 of the Statute. The Registry shall be headed by the Registrar, who shall be the principal administrative officer of the Court and shall exercise his/her functions under the authority of the President of the Court (art. 43, para. 2).

133. In the first financial period of operation of the Court, it is assumed that the Registry will be concerned mostly with administrative functions, matters of internal organization, external relations and communications. Accordingly, it is estimated that in the first financial period requirements for the Registry would amount to €4,059,000. A breakdown of these requirements is given in table 8.

Table 8
Estimates by object of expenditure
(In thousands of euros)

C. Registry

Expenditure	*Estimated requirements*
Posts	3 087.9
Other staff costs	279.6
Travel	82.4
Hospitality	6.0
Reserve for unforeseen expenses	603.2
Total requirements	**4 059.0**

Table 9
Post requirements for 2003[a]

C. Registry

	Estimated requirements
Professional category and above	
ASG	1
D-2	
D-1	
P-5	3
P-4	7
P-3	8
P-2/1	6
Total	**25**
Other categories	
General Service (PL)	1
General Service (OL)	19
Security and Safety	
Total	**20**
Grand total	**45**

[a] Includes posts to be directly assigned to the Presidency and the Divisions of the Court (1 P-5, 1 P-4, 1 P-3, 1 General Service (Principal level) and 1 General Service (Other level)).

Resource requirements

Posts

134. Requirements estimated at €3,087,900 will provide for 45 posts (25 in the Professional category and above and 20 in the General Service category) in the year 2003 and 15 posts (11 in the Professional category and above and 4 in the General Service category) in the period from September to December 2002, including staff to be directly assigned to the Presidency. Post requirements for 2003 are summarized in table 9. Details concerning the functions and the structure of the Registry can be found in Part One (paras. 71-90) and in annex I.C to the present document.

Other staff costs

135. The provision of €279,600, will provide for temporary assistance equivalent to 16 work-months at the P-3 level, 9 work-months at the P-2 level and 25 work-months at General Service (Other level) (€272,600) as well as overtime and night differential (€7,000). The temporary assistance will be needed in case of an upsurge in activities.

Travel

136. Requirements estimated at €82,400 would provide for travel and daily subsistence allowance in respect of the Registrar, the Director of Common Services and other staff of the Registry, including the Common Services Division. It is estimated that the Registrar, the Director of Common Services and the Chiefs of Section will need to travel to New York for consultations at United Nations Headquarters, particularly in connection with the activities contemplated in the draft Relationship Agreement, between the Court and the United Nations, and to undertake other occasional travel in the conduct of official business of the Court. Requirements for travel related to attendance at special session of the Assembly of the States Parties, the meetings of the Bureau and the meeting of the Budget and Finance Committee are not included under this heading, as they are reflected under the non-conference-servicing costs related to those meetings.

Hospitality

137. Due to the high degree of public interest that the Court is expected to generate, it is expected that some official hospitality functions will have to be organized, particularly in connection with visits of high dignitaries. Therefore, a provision amounting to €6,000 has been included for hospitality.

Reserve for unforeseen expenses

138. Requirements amounting to €603,200 are included under the reserve for unforeseen expenses to provide legal aid funds and resources for detainee transportation and services as well as travel and other services in respect of witnesses (€580,000), as needed, and to cover the costs of a possible increase in external relations and public information activities in the event a situation is referred to the Court (€23,200).

D. Common Services Division

139. In order to minimize duplication and ensure maximum efficiency while observing the strict statutory division of powers between the judiciary (Presidency, Chambers and Registry) and the Office of the Prosecutor, a Common Services Division is envisaged to administer a pool of services which will be required to support both the judiciary and the Prosecutor. Such services will include, inter alia, general services, building management, finance, security, procurement, certain aspects of human resources management (e.g., training), information technology and communications infrastructure, and some aspects of conference and language services.

140. It is expected that in the first financial period of operation of the Court the Common Services Division will be heavily involved in a number of operational start-up activities, particularly matters related to internal organization and the installation of infrastructure and systems. For the first financial period, the Division will be headed by a Director at the D-1 level, who will report to the Registrar or, in his/her absence, the Presidency, while being functionally responsible to the Prosecutor.

Table 10
Estimates by object of expenditure
(In thousands of euros)

D. Common Services Division

Expenditure		*Estimated requirements*
Posts		7 154.6
Other staff costs		308.0
Consultants and experts		27.8
Contractual services (including external translation)		362.1
General operating expenses[a]		3 350.3
Supplies and materials		367.9
Furniture		829.9
Presidency	43.3	
Divisions	60.9	
Office of the Prosecutor	199.5	
Registry	162.9	
Common Services Division	363.3	
Office automation equipment		1 399.3
Presidency	33.6	
Divisions	25.2	
Office of the Prosecutor	168.5	
Registry	146.5	
Common Services Division	1 025.4	
Other equipment		5 361.5

Expenditure	*Estimated requirements*
Maintenance of furniture and equipment	200.3
Reserve for unforeseen expenses	353.22
Total	**19 714.9**

[a] Includes a provision of €2,394,240 for rental of premises. This provision will have to be revised when the details of the host Government's contribution become known.

Table 11
Post requirements for 2003

D. Common Services Division

	Estimated requirements
Professional category and above	
ASG	
D-2	
D-1	1
P-5	4
P-4	12
P-3	19
P-2/1	7
Total	**43**
Other categories	
General Service (PL)	5
General Service (OL)	33
Security and Safety	20
Total	**58**
Grand total	**101**

Resource requirements

141. Requirements amounting to €19,714,900, as reflected in table 10, have been estimated for the Common Services Division for the first financial period of the Court.

Posts

142. A provision of €7,154,600 is required to cover the costs of 101 posts (43 in the Professional category and above and 58 in the General Service and related categories, including 20 security and safety posts) for 2003, as summarized in table 11, and 49 posts (25 in the Professional category and above and 24 in the General Service and related categories, including 10 security and safety posts) for the period from September to December 2002.

Other staff costs

143. An amount of €308,000 will provide for the temporary assistance of additional translators and interpreters and other supplementary staff that may be needed in the event of an upsurge in activities or to replace staff on sick or maternity leave (€296,400), plus overtime and night differential (€11,600).

Consultants and experts

144. The requirement under this heading (€27,800) will provide for the services of experts in information technology and other technical areas.

Contractual services

145. A provision of €362,100 will be needed for security and safety training in respect of 10 officers in 2002 and 20 officers in 2003, in such areas as security management, close protection of VIPs, firearms, basic firefighting and evacuation and first aid (€83,500), external printing (€58,000), management and technical training (€17,600), information technology training (€34,800) for staff in the Registry, including the Common Services Division, and in the Office of the Prosecutor; external translation (€52,200) covering about 900 pages of less sensitive documents, external audit (€76,600), data-processing services (€25,500) and miscellaneous services (€13,900).

General operating expenses

146. The requirement of €3,350,300 will provide for: rental of premises (€2,394,200); communications (€576,500), including commercial communications, such as local and long distance charges, cellular phone charges, etc., subscription to satellite services such as Inmarsat and Intelsat, pouch and postage; maintenance of premises (€113,200); utilities (€95,700); rental of equipment (€77,100); insurance, including personal property and general liability for the Court's facilities and vehicle insurance (€31,300); and miscellaneous operating expenses (€62,300), to cover insurance, bank charges, eventual rental of vehicles, taxi fares, cleaning of uniforms, etc.

147. With regard to rental of premises, the estimates included herein are based on the assumption that the charge for 1 square metre of space would be approximately €278.4 and that a minimum of 8,600 square metres of space would be required to accommodate offices for the Presidency, the Divisions/Chambers, the Office of the Prosecutor, the Registry and the Common Services Division, courtrooms and ancillary areas. It is recalled, however, that the host Government has expressed its willingness to "provide for and finance" interim accommodations worthy of the Court in order to enable it to begin operations from the first day of its existence. When the details of the offer become available, the estimates will have to be revised accordingly.

Supplies and materials

148. The provision of €367,900 will be required for office and photocopying supplies (€65,000), data-processing supplies (€19,700), premises maintenance supplies and materials (€18,800), audio-visual equipment and supplies (€38,900), petrol, oil and lubricants for the Court's vehicles (€19,700), library books,

subscriptions, etc. (€139,200), security and safety supplies and materials (€26,000) and other miscellaneous supplies and materials (€40,600).

Furniture

149. The provision of €829,900 will be required for furniture for the Presidency and the Divisions, the Office of the Prosecutor, the Registry and the Common Services Division. Such furniture includes 14 safes; conference tables (1 for the Presidency, 3 for the Divisions, 1 for the Office of the Prosecutor, 1 for the Registry and 1 for the Common Services Division); 31 lockable, steel storage cabinets; 69 filing cabinets; and 189 workstations.

Office automation equipment

150. The provision of €1,399,300 will be needed for the acquisition of 204 desktop computers and printers, 7 large, heavy-duty printers, 8 scanners, 6 servers, network-active equipment, 1 OTP high-speed printer, a storage area network, 13 laptop computers and other miscellaneous office automation equipment.

Other equipment

151. The amount of €5,361,500 under this heading will provide for the acquisition of the following equipment: software, including document management software, administration management software, translation software, and network security (€2,141,500); audio-visual equipment, including courtroom and conference room equipment (€1,896,600); communications equipment (€755,200); security and safety equipment (€260,200); transportation equipment, particularly two heavy passenger cars, two light passenger cars, two transport vans, and one small bus with capacity for 12 passengers (€255,800); and other miscellaneous equipment (€52,200).

Maintenance of furniture and equipment

152. It is estimated that an amount of €227,400 would be needed to provide for the maintenance of data-processing equipment, including support contracts for software, servers and network equipment, maintenance of office equipment and furniture and miscellaneous equipment (such as security equipment).

Reserve for unforeseen expenses

153. Provisions amounting to €353,200 under this heading would cover the costs of language experts (€46,400) and additional requirements for contractual translation (€104,400), furniture (€83,500), information technology equipment and services (€88,200), communications equipment (€23,200) and external printing (€7,500).

III. Preliminary estimates of costs related to the meetings of the Assembly of States Parties, the meetings of the Bureau and the meeting of the Budget and Finance Committee

154. It is anticipated that the Assembly of States Parties will convene its first meeting in September 2002. At that meeting the International Criminal Court will be established. Subsequently, in the course of the first financial period of the Court, it is envisaged that the following meetings will be held: a resumed first meeting of the

Assembly of States Parties in January 2003; the Inaugural Meeting of the Court soon after the resumed first session of the Assembly of States Parties; the first meeting of the Bureau of the Assembly of Sates Parties in March 2003; a special meeting of the Assembly in April 2003; the second meeting of the Bureau in June 2003; the first meeting of the Budget and Finance Committee in August 2003; and the second meeting of the Assembly of States Parties in September 2003. The above schedule is tentative and subject to changes.

155. Although the Court shall have its seat at The Hague, to date a decision has not been made with regard to the venue of these meetings, except for the first meeting of the Assembly of States Parties, which will be held at United Nations Headquarters in New York. Estimates are therefore provided in respect of both locations (The Hague and New York).

156. The General Assembly, in paragraph 9 of its resolution 56/85, requested the Secretary-General of the United Nations to undertake the preparations necessary to convene, in accordance with article 112, paragraph 1, of the Rome Statute, the first meeting of the Assembly of States Parties to take place upon entry into force of the Statute, in accordance with its article 126, paragraph 1. The General Assembly also decided, in paragraph 10 of the same resolution, that expenses that might accrue to the United Nations as a result of the implementation of that request, as well as expenses resulting from the provision of facilities and services for the meeting in question, and that any consequent follow-up shall be paid in advance to the Organization. To that effect, the Trust Fund to Support the Establishment of the International Criminal Court was established by the Secretary-General to serve as a vehicle for the collection of contributions from States and other interested entities.

157. In the process leading to the recommendation and adoption of the above-mentioned resolution, the Sixth Committee of the General Assembly had before it a note by the Secretariat concerning the financial implications of the draft resolution.[37] The note contained estimates in respect of the first meeting of the Assembly of States Parties based on two scenarios: one assuming that four meetings would be held per day, in line with the normal practice of international conferences, and the other assuming that two meetings would be held per day, following the model that the Preparatory Commission had established for itself. In the event that four meetings are held per day, the total requirements are estimated at €3,245,200 ($2,797,600) and in the event of two meetings per day, the requirements are estimated at €3,083,400 ($2,658,100). For the purposes of the present draft budget, the former estimates are included. In this context, it is noted that the inclusion of such estimates is meant to give States Parties a fuller picture of the costs associated with the holding of the meetings, without prejudice to future decisions concerning eventual arrangements that they may wish to make concerning reimbursements, the granting of credits or other similar schemes to accommodate States contributing to the funding of the first meeting of the Assembly.

158. Requirements for the Inaugural Meeting of the Court were not included in the present document due to the lack of sufficient information for compiling the estimates. It is noted, however, that the host Government has expressed its willingness to finance the costs of such a meeting.

[37] A/C.6/56/L.25.

159. It is expected that the organization of the meetings in question would require extensive involvement of Secretariat staff. Since such meetings should not have any financial implications for the regular budget of the United Nations, States Parties should be advised that, in accordance with the terms of reference of the Trust Fund to Support the Establishment of the International Court, the United Nations shall levy a charge, at a rate of 13 per cent of expenditures for such activities, to defray administrative and other support costs (programme support costs) incurred by the United Nations in their implementation. Such programme support costs would be included in the total costs that would be borne by the States Parties.

160. The estimates contained herein comprise conference-servicing costs, non-conference-servicing costs, programme support costs and a reserve for contingency (see para. 171). Total requirements for the holding of the resumed first meeting of the Assembly of States Parties, the special and the second Meetings of the Assembly, the first and second Meetings of the Bureau and the meeting of the Budget and Finance Committee are estimated at €5,881,900 for The Hague and €5,687,500 for New York. The difference in the estimates is attributable to the net effect of the higher non-conference-servicing costs associated with holding the meetings at the Hague, which more than offsets the lower conference-servicing costs associated with that location. The breakdown of such costs is given in annex III.

161. States Parties should be advised that the activities associated with the preparation and holding of the meetings of the Assembly of States Parties, the meetings of the Bureau of the Assembly and the meeting of the Budget and Finance Committee as well as those related to the first year of operation of the Court should not have financial implications for the regular budget of the United Nations.

A. Estimated conference-servicing costs

162. The estimates of the conference-servicing costs are based on the assumption that, for all meetings of the Assembly of States Parties, the working languages will be the six official languages of the United Nations: Arabic, Chinese, English, French, Russian and Spanish. The meetings of the Bureau and of the Budget and Finance Committee will be held without interpretation. The first meeting, the resumed first meeting and the second meeting of the Assembly of States Parties are each expected to be held over a period of two weeks; the special session of the Assembly is expected to have a duration of one week; the meetings of the Bureau are expected to have a duration of three days each; and the meeting of the Budget and Finance Committee is expected to have a duration of one week. Summary records in the six official languages of the United Nations will be provided in respect of the meetings of the Assembly of States Parties.

163. Documentation requirements for the above meetings are assumed to comprise the following:

- First session of the Assembly of States Parties: 550 pages of pre-session documents, 50 pages of in-session documents, and 550 pages of post-session documents;
- Resumed first session of the Assembly: 400 pages of pre-session documents, 30 pages of in-session documents, and 200 pages of post-session documents;

- Special session of the Assembly: 150 pages of pre-session documents, 25 pages of in-session documents, and 80 pages of post-session documents;
- Second session of the Assembly: 500 pages of pre-session documents, 80 pages of in-session documents, and 400 pages of post-session documents;
- Each meeting of the Bureau of the Assembly: 20 pages of pre-session documents, 10 pages of in-session documents, and 20 pages of post-session documents;
- Meeting of the Budget and Finance Committee: 100 pages of pre-session documents, 10 pages of in-session documents, and 100 pages of post-session documents.

164. At the minimum, conference-servicing staff requirements, using standard costing, are estimated as follows:

- First session, resumed first session, special session and second session of the Assembly of States Parties (36 staff members): 20 interpreters, 1 conference services coordinator, 1 administrative officer, 2 conference officers, 1 documents control officer, 1 documents distribution officer, 1 documents reproduction officer, 1 technical specialist, 8 précis-writers;
- Meetings of the Bureau and of the Budget and Finance Committee (6 staff members): 1 conference services coordinator, 1 conference officer, 1 documents control officer, 1 documents distribution officer, 1 documents reproduction officer, 1 technical specialist.

165. If the meetings are held at The Hague, it is expected that requirements amounting to €421,100 would be needed to provide for travel and daily subsistence assistance of conference-servicing staff. In accordance with existing practice, this staff would be assembled from the various United Nations offices; however, for costing purposes, Geneva is taken as the basis, since it is the nearest location.

166. Based on the aforementioned assumptions, conference-servicing requirements, excluding requirements for the first meeting of the Assembly of States Parties, are estimated as follows:[38]

	(Thousands of euros)	
	The Hague	*New York*
Pre-session documentation	1 318.1	1 523.0
In-session documentation	158.8	175.7
Post-session documentation	774.8	848.4
Meeting servicing (Interpreters, conference officer, officer for documents distribution and officer for reproduction of documents)	340.8	382.3
Other requirements (sound technicians, etc.)	29.2	65.2

[38] For details concerning the first meeting of the Assembly of States Parties, see A/C.6/56/L.25 or table III.2 in annex III to the present document.

	(Thousands of euros)	
	The Hague	*New York*
Travel of conference-servicing staff	421.1	
Total	**3 437.5**	**3 557.4**

B. Estimated non-conference-servicing costs

167. If the meetings were to be held at The Hague, non-conference-servicing provisions estimated at €1,088,800 would be needed to cover travel and daily subsistence allowance for substantive and administrative staff of the Secretariat (€340,500), general temporary assistance (€545,500), public information activities (€131,700), security (€57,800), communications (€8,100) and miscellaneous supplies and materials (€5,200).

168. Should the meetings be convened in New York, non-conference-servicing provisions estimated at €819,300 would be needed to cover general temporary assistance (€524,300), travel and daily subsistence allowance of the President of the Court, the Prosecutor and the Registrar to attend the meetings (€92,200), public information activities (€131,700), security (€57,800), communications (€8,100) and miscellaneous supplies and materials (€5,200).

169. Based on the aforementioned assumptions, non-conference-servicing requirements, excluding the requirements for the first meeting of the Assembly of States Parties, are estimated as follows:[39]

	(Thousands of euros)	
	The Hague	*New York*
Temporary assistance	551.1	524.3
Travel, daily subsistence allowance and terminal expenses in respect of Secretariat staff	340.5	-
Travel, daily subsistence allowance and terminal expenses in respect of the judges, Prosecutor and Registrar		92.2
Public information	131.7	131.7
Security	57.8	57.8
Communications	8.1	8.1
Miscellaneous supplies and materials	5.2	5.2
Total	**1 088.8**	**819.3**

[39] Ibid.

C. Estimated programme support costs

170. As mentioned above, programme support costs, at the rate of 13 per cent of expenditures, shall be charged to defray administrative and other costs incurred by the United Nations in connection with the convening of the meetings. Accordingly, a provision representing about 13 per cent of the conference-servicing and non-conference-servicing costs is included in the estimates. Thus, should the meetings be held at The Hague, it is estimated that programme support costs, excluding those related to the first meeting of the Assembly of States Parties, would amount to €588,400. Should the meetings be held in New York, the estimated programme support costs would be €569,000.

D. Contingency reserve

171. In accordance with established policies and practice in the United Nations, a provision corresponding to 15 per cent of total estimated costs (including programme support costs) of the meetings should be made for a contingency reserve to cover eventual shortfalls and final expenditures. Therefore, it is estimated that, should the meetings be held at The Hague, a reserve amounting to €767,200 would be needed, and in the event the meetings are held at New York, a reserve of €741,800 would be required. Requirements for the first meeting of the Assembly of States Parties are not included in these estimates.

E. Summary of estimated costs

	(Thousands of euros)	
	The Hague	*New York*
Conference-servicing	3 437.5	3 557.4
Non-conference-servicing	1 088.8	819.3
Programme support costs (13%)	588.4	569.0
Contingency reserve (15%)	767.2	741.8
Total	**5 881.9**	**5 687.5**

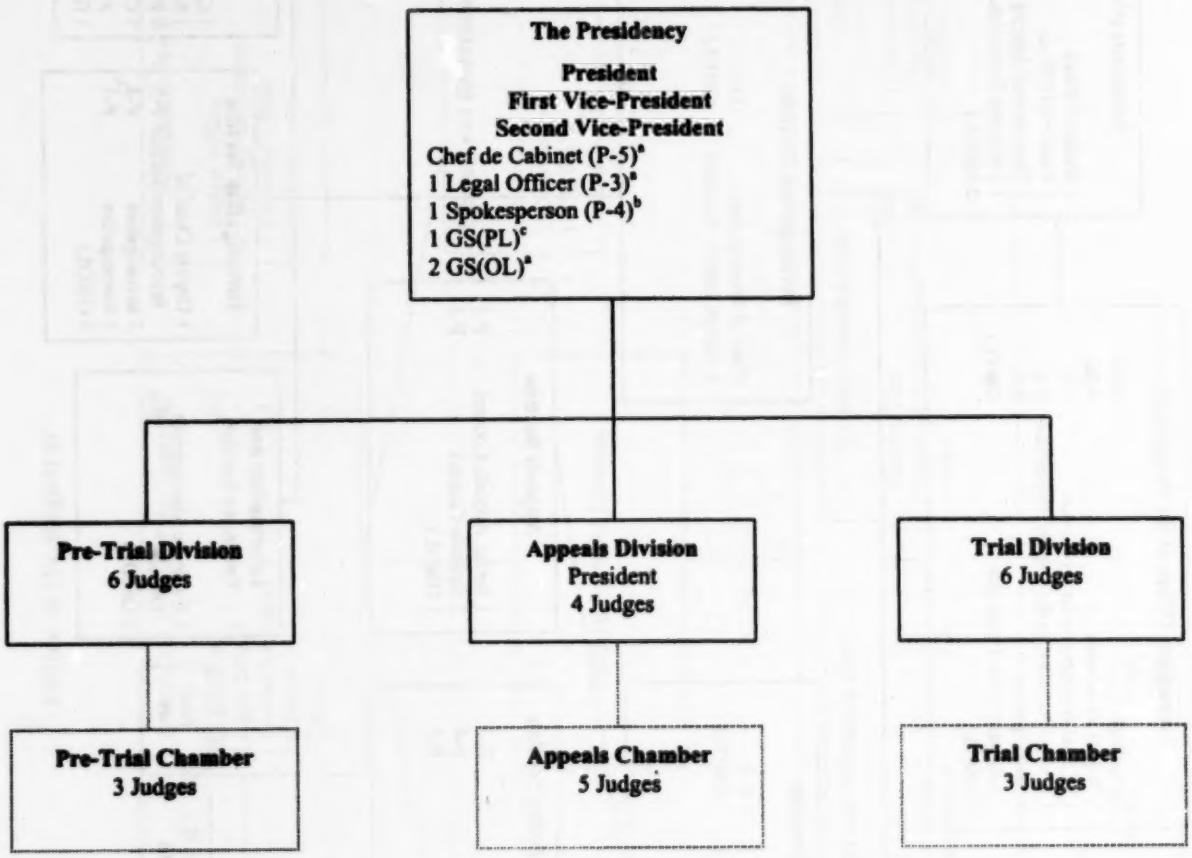
172. The requirements for the first meeting of the Assembly of States Parties are €2,003,100 ($1,726,800) for conference-servicing costs, €494,200 ($426,000) in respect of non-conference-servicing costs, €324,700 ($279,900) for programme support costs and €423,300 ($364,900) for the contingency reserve.

173. It should be noted that the costs provided herein are estimated on the basis of past experience related to similar meetings, anticipated workload and information currently available. Actual costs can be determined only after the closure of the meetings, when the actual expenditures become known. It is also expected that revisions to these estimates will be made as additional information becomes available in the future.

Annex I

Organizational structure of the Court

A. Office of the President



Post requirements (Presidency)

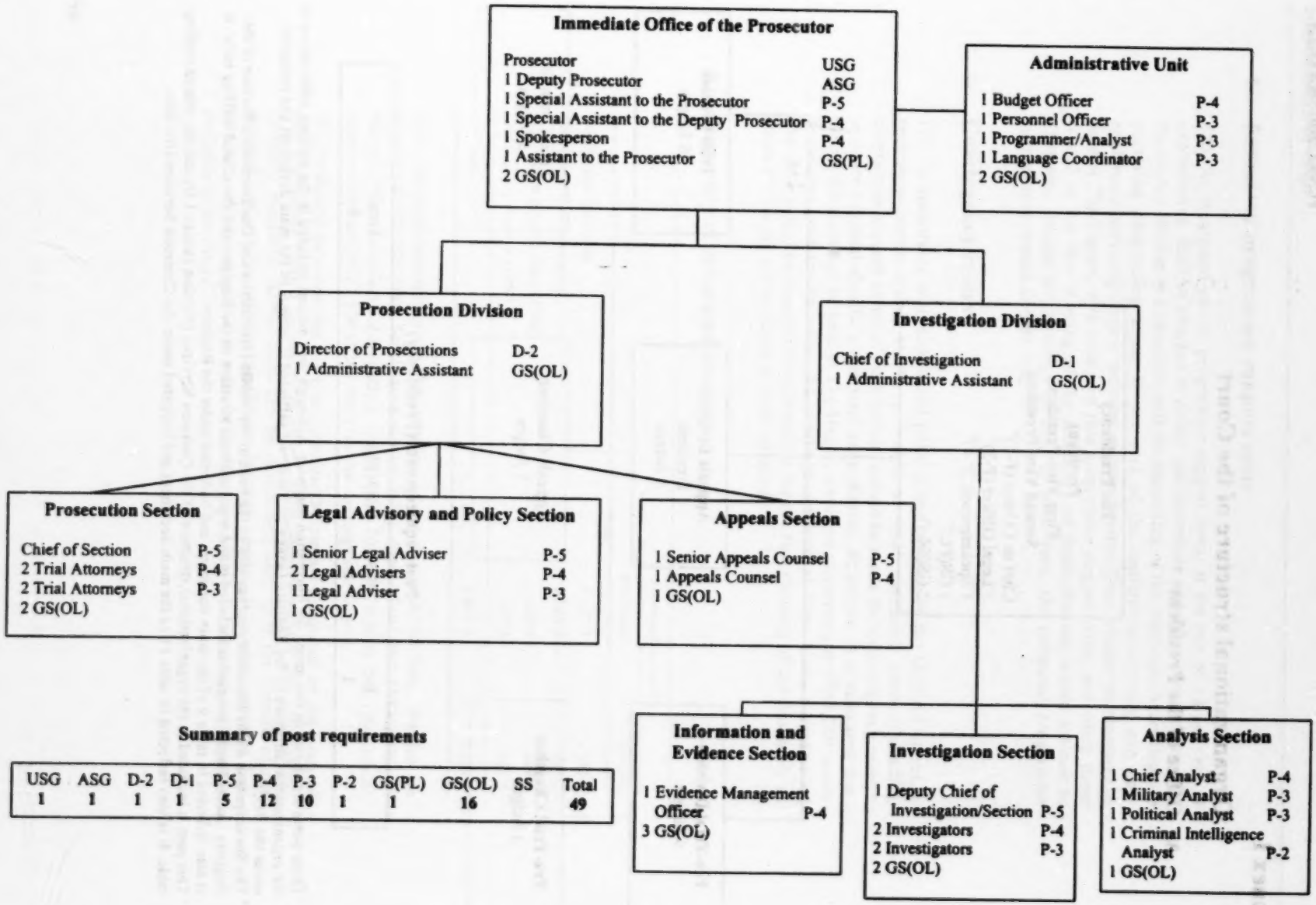
P-5	P-3	GS(PL)	GS(OL)	Total
1	1		2	4

[a] These posts are shown in this annex for illustration purposes. Although they are not included in the staffing table shown in the organizational structure of the Registry (annex I.C) they are reflected in table 9 of the main document and budgeted under the Registry.

[b] The Spokesperson of the Presidency serves also as the head of the Public Information and Documentation Section of the Registry. Accordingly, the post is included in the organizational structure of the Registry and the related staffing table. It is also reflected in table 9 of the main document and budgeted under the Registry.

[c] This post is included in the organizational structure of the Common Services Division (annex I.D) and the related staffing table. It is also reflected in table 11 of the main document and budgeted under the Common Services Division.

B. Office of the Prosecutor

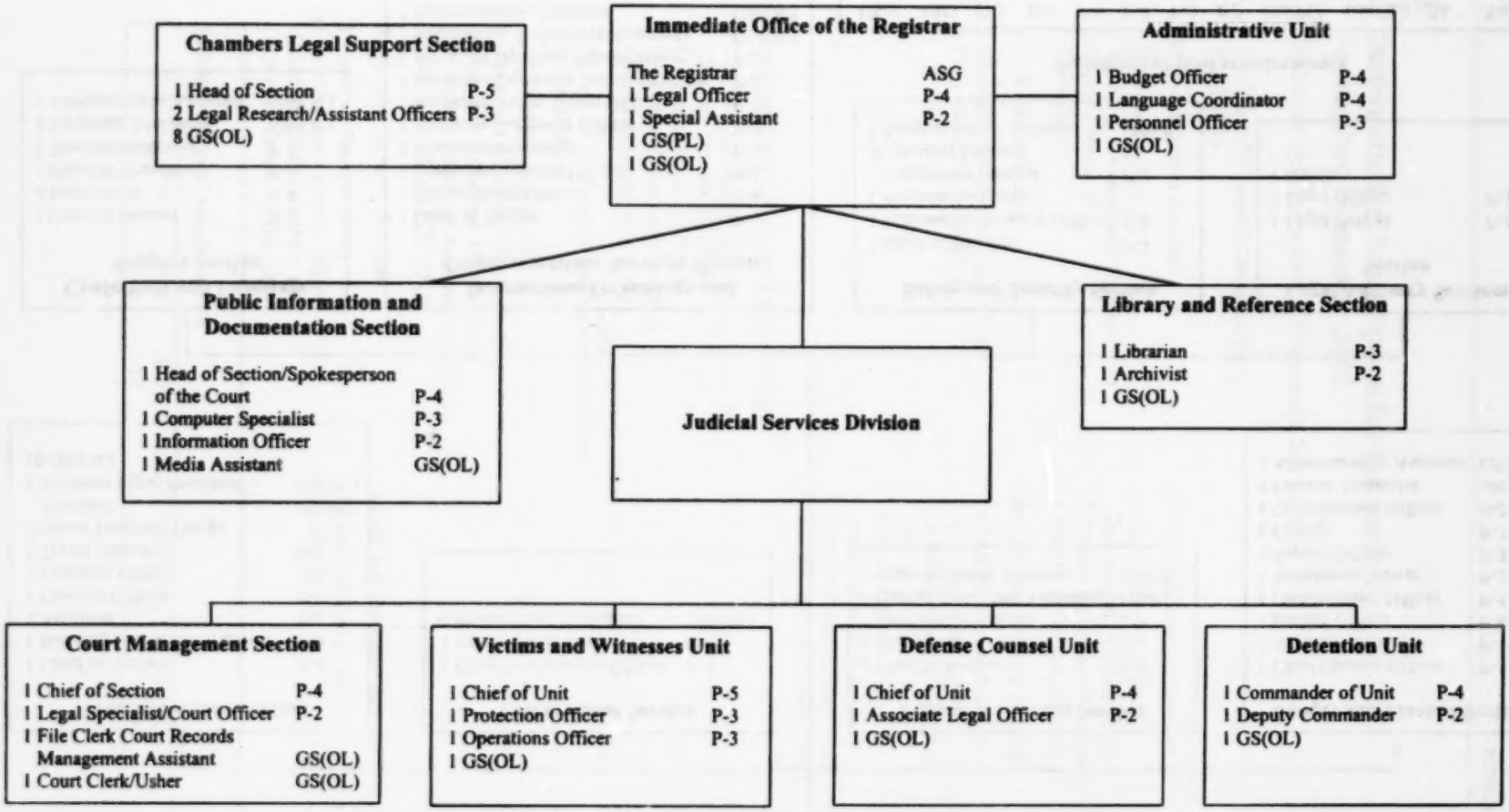


Summary of post requirements

USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	GS(PL)	GS(OL)	SS	Total
1	1	1	1	5	12	10	1	1	16		49

C. The Registry

Office of the Registrar



Summary of post requirements

USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	GS(PL)	GS(OL)	SS	Total
0	1	0	0	2	7	7	6	1	17		41

D. Common Services Division

Office of the Director of Common Services

1 Director of Common Services	D-1
1 GS(OL)	

General Services Section

1 Chief of Section	P-4
1 Building Management Officer	P-3
1 Archivist	P-3
1 Protocol Officer	P-3
1 Logistics Officer	P-3
1 Travel Officer	P-2
1 Senior Graphics Design Assistant	GS(PL)
1 Assistant to the President	GS(PL)
10 GS(OL)	

Procurement Section

1 Chief Procurement Officer	P-4
1 Procurement Officer	P-3
2 Procurement Assistants	GS(OL)

Personnel Services Section

1 Chief of Section	P-5
1 Classification Officer	P-4
1 Recruitment Officer	P-3
3 Human Resources Assistants	GS(PL)
1 Administrative Assistant	GS(OL)

Budget and Finance Section

1 Chief Finance Officer	P-5
1 Accounts Officer	P-4
1 Budget Officer	P-4
1 Disbursement Officer	P-3
1 Investment Officer	P-3
1 Payroll Officer	P-3
1 Cashier	P-3
1 Contributions Officer	P-2
5 Finance Assistants	GS(OL)
1 Administrative Assistant	GS(OL)

Conference and Language Support Section

1 Chief of Section	P-5
3 Interpreters	P-4
1 Chief of Translators	P-4
5 Translators/Revisers	P-3
2 Language Assistants	GS(OL)
1 Administrative Assistant	GS(OL)

Information Technology and Communications Services Section

1 Chief of Section	P-5
1 Development Officer	P-4
1 Computer Systems Officer	P-3
1 Programmer/Analyst	P-3
1 Associate Computer Officer	P-2
1 Associate Audio Visual Officer	P-2
1 Associate Computer Training Officer	P-2
1 Associate Database Administrator	P-2
7 Information Technology Assistants	GS(OL)
1 Administrative Assistant	GS(OL)

Safety and Security Section

1 Chief of Security	P-4
1 Information Security Officer	P-3
1 Associate Security Assessment Analyst	P-2
20 Security Officers	SS
1 Administrative Assistant	GS(OL)

Legal Advisory Services Section

1 Legal Officer	P-4
1 Legal Officer	P-3
1 GS(OL)	

Summary of post requirements

USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2	GS(PL)	GS(OL)	SS	Total
0	0	0	1	4	12	19	7	5	33	20	101

Annex II

Distribution of "core" posts for the period September-December 2002

Office of the Director of Common Services

1 Director of Common Services (D-1)
1 (GS (OL))

General Services Section

1 Chief of Section (P-4)
1 Building Management Officer (P-3)
1 Travel Officer (P-2)
3 (GS (OL))

Personnel Services Section

1 Chief of Section (P-5)
1 Recruitment Officer (P-3)
3 Human Resources Assistants (GS (PL))
1 Admin. Assistant (GS (OL))

Procurement Section

1 Chief Procurement Officer (P-4)
1 Procurement Officer (P-3)

Budget and Finance Section

1 Chief Finance Officer (P-5)
1 Accounts Officer (P-4)
1 Disbursement Officer (P-3)
1 Cashier (P-3)
1 Payroll Officer (P-3)
1 Investment Officer (P-3)
1 Contributions Officer (P-2)
1 Admin. Assistant (GS (OL))

Conference and Language Support Section

1 Chief of Section (P-5)
1 Chief of Translators (P-4)
1 Translator/Reviser (P-3)
1 Language Assistant (GS (OL))
1 Admin. Assistant (GS (OL))

Information Technology and Communications Services Section

1 Chief of Section (P-5)
1 Computer Systems Officer (P-3)
1 Associate Computer Officer (P-2)
1 Associate Database Administrator (P-2)
1 Admin. Assistant (GS (OL))

Safety and Security Section

1 Chief of Security (P-4)
1 Information Security Officer (P-3)
10 Security Officers (SS)
1 Admin. Assistant (GS (OL))

Legal Advisory Services Section

1 Legal Officer (P-4)
1 (GS (OL))

Summary of post requirements

D-1	P-5	P-4	P-3	P-2	GS (PL)	GS (OL)	SS	Total
1	4	6	10	4	3	11	10	49

Office of the Registrar

Immediate Office of the Registrar

The Registrar (ASG)
1 Special Assistant (P-2)
1 (GS (OL))

Administrative Unit

1 Budget Officer (P-4)
1 Personnel Officer (P-3)
1 (GS (OL))

Public Information and Documentation Section

1 Computer Specialist (P-3)
1 Information Officer (P-2)
1 Media Assistant (GS (OL))

Court Management Section

1 Chief of Section (P-4)
1 Legal Specialist/Court Officer (P-2)

Defense Council Unit

1 Chief of Unit (P-4)

Chambers Legal Support Section

1 Legal Research Officer (P-3)
1 (GS (OL))

Library and Reference Section

1 Librarian (P-3)

Summary of post requirements

ASG	P-5	P-4	P-3	P-2	GS (PL)	GS (OL)	SS	Total
1	0	3	4	3	0	4	0	15

Annex III

Preliminary cost estimates for meetings

Table III.1

Cost estimates for meetings of the Assembly sessions, Bureau meetings and the meeting of the Budget and Finance Committee

Summary

(Estimates of conference-servicing and non-conference-servicing costs)

(In thousands of euros)

Meeting	*The Hague*	*New York*
First meeting of the Assembly of States Parties to the Rome Statute	-	3 245.2
Resumed first meeting of the Assembly	1 941.8	1 917.0
Special session of the Assembly	1 086.5	1 011.1
Second meeting of the Assembly	1 953.2	1 948.8
First meeting of the Bureau of the Assembly	177.3	138.8
Second meeting of the Bureau	177.3	169.3
Meeting of the Budget and Finance Committee	545.7	502.5
Total	**5 881.9**	**8 932.7**

Table III.2
First meeting of the Assembly of States Parties to the Rome Statute
(Estimates of conference-servicing and non-conference-servicing costs)
(In thousands of euros)

	New York
A. Conference-servicing costs	
Meeting servicing	294.3
Pre-session documentation	747.2
In-session documentation	69.7
Post-session documentation	747.2
Summary records	109.6
Other requirements (e.g., sound technicians)	35.1
Travel of conference-servicing staff	-
Total (A)	**2 003.1**
B. Non-conference-servicing costs	
General temporary assistance (substantive and administrative)	494.2
Travel of United Nations substantive staff	
Travel and daily subsistence allowance of judges, Prosecutor and Registrar	
Public information	
Security	
Communications	
Miscellaneous supplies and materials	
Total (B)	**494.2**
Total (A + B)	**2 497.2**
C. Programme support costs (13% of total of A + B)	324.6
Total (A + B + C)	**2 821.9**
D. Reserve for contingency (15% of total of A + B + C)	423 3
Grand total (total of A + B + C + D)	**3 245.2**

Table III.3
Resumed first meeting of the Assembly of States Parties
(Estimates of conference-servicing and non-conference-servicing costs)
(In thousands of euros)

	The Hague	*New York*
A. Conference-servicing costs		
Meeting servicing	135.5	151.1
Pre-session documentation	479.8	557.8
In-session documentation	35.1	41.5
Post-session documentation	241.2	279.2
Summary records	157.9	225.0
Other requirements (e.g., sound technicians)	8.1	18.1
Travel of conference-servicing staff	145.2	-
Total (A)	**1 202.8**	**1 272.9**
B. Non-conference-servicing costs		
General temporary assistance (substantive and administrative)	135.8	123.5
Travel of United Nations substantive staff	76.9	
Travel and daily subsistence allowance of judges, Prosecutor and Registrar		
Public information	51.3	51.3
Security	21.7	21.7
Communications	4.1	4.1
Miscellaneous supplies and materials	1.7	1.7
Total (B)	**291.5**	**202.3**
Total (A + B)	**1 494.3**	**1 475.2**
C. Programme support costs (13% of total of A + B)	194.3	191.8
Total (A + B + C)	**1 688.5**	**1 666.9**
D. Reserve for contingency (15% of total of A + B + C)	253.3	250.0
Grand total (total of A + B + C + D)	**1 941.8**	**1 917.0**

Table III.4

Special session of the Assembly of States Parties

(Estimates of conference-servicing and non-conference-servicing costs)

(In thousands of euros)

	The Hague	*New York*
A. Conference-servicing costs		
Meeting servicing	68.0	75.9
Pre-session documentation	182.4	209.6
In-session documentation	29.6	34.5
Post-session documentation	97.9	112.3
Summary records	79.0	112.6
Other requirements (e.g., sound technicians)	4.1	9.0
Travel of conference-servicing staff	73.0	
Total (A)	**533.9**	**553.9**
B. Non-conference-servicing costs		
General temporary assistance (substantive and administrative)	159.0	154.4
Travel and daily subsistence allowance of United Nations substantive staff	96.9	
Travel and daily subsistence allowance of judges, Prosecutor and Registrar	-	23.4
Public information	29.1	29.1
Security	14.4	14.4
Communications	1.7	1.7
Miscellaneous supplies and materials	1.2	1.2
Total (B)	**302.3**	**224.2**
Total (A + B)	**836.1**	**778.1**
C. Programme support costs (13% of total of A + B)	108.7	101.2
Total (A + B + C)	**944.8**	**879.3**
D. Reserve for contingency (15% of total of A + B + C)	141.7	131.9
Grand total (total of A + B + C + D)	**1 086.5**	**1 011.1**

Table III.5

Second meeting of the Assembly of States Parties

(Estimates of conference-servicing and non-conference-servicing costs)

(In thousands of euros)

	The Hague	*New York*
A. Conference-servicing costs		
Meeting servicing	135.5	151.148
Pre-session documentation	479.8	557.8
In-session documentation	35.1	41.5
Post-session documentation	241.2	279.2
Summary records	157.9	225.0
Other requirements (e.g., sound technicians)	8.1	18.1
Travel of conference-servicing staff	145.2	-
Total (A)	**1 202.8**	**1 272.9**
B. Non-conference-servicing costs		
General temporary assistance (substantive and administrative)	131.9	129.2
Travel of United Nations substantive staff	94.2	
Travel and daily subsistence allowance of judges, Prosecutor and Registrar	-	23.4
Public information	51.3	51.3
Security	21.7	21.7
Communications	0.6	0.6
Miscellaneous supplies and materials	0.6	0.6
Total (B)	**300.2**	**226.8**
Total (A + B)	**1 503.0**	**1 499.6**
C. Programme support costs (13% of total of A + B)	195.4	195.0
Total (A + B + C)	**1 698.4**	**1 694.6**
D. Reserve for contingency (15% of total of A + B + C)	254.8	254.2
Grand total (total of A + B + C + D)	**1 953.2**	**1 948.8**

Table III.6
First meeting of the Bureau of the Assembly of States Parties
(Estimates of conference-servicing and non-conference-servicing costs)
(In thousands of euros)

	The Hague	*New York*
A. Conference-servicing costs		
Meeting servicing	0.5	1.2
Pre-session documentation	27.4	28.8
In-session documentation	12.2	13.9
Post-session documentation	27.4	28.8
Other requirements (e.g., sound technicians)	2.4	5.5
Travel of conference-servicing staff	20.0	0.0
Total (A)	**89.8**	**78.1**
B. Non-conference-servicing costs		
General temporary assistance (substantive and administrative)	27.5	27.6
Travel of United Nations substantive staff	18.0	
Travel and daily subsistence allowance of judges, Prosecutor and Registrar		
Communications	0.6	0.6
Miscellaneous supplies and materials	0.6	0.6
Total (B)	**46.6**	**28.8**
Total (A + B)	**136.5**	**106.8**
C. Programme support costs (13% of total of A + B)	17.7	13.9
Total (A + B + C)	**154.2**	**120.7**
D. Reserve for contingency (15% of total of A + B + C)	23.1	18.1
Grand total (total of A + B + C + D)	**177.3**	**138.8**

Table III.7
Second meeting of the Bureau of the Assembly of States Parties
(Estimates of conference-servicing and non-conference-servicing costs)
(In thousands of euros)

	The Hague	*New York*
A. Conference-servicing costs		
Meeting servicing	0.5	1.2
Pre-session documentation	27.4	28.8
In-session documentation	12.2	13.9
Post-session documentation	27.4	28.8
Other requirements (e.g., sound technicians)	2.4	5.5
Travel of conference-servicing staff	20.0	-
Total (A)	**89.8**	**78.1**
B. Non-conference-servicing costs		
General temporary assistance (substantive and administrative)	27.5	27.6
Travel of United Nations substantive staff	18.0	
Travel and daily subsistence allowance of judges, Prosecutor and Registrar	-	23.4
Communications	0.6	0.6
Miscellaneous supplies and materials	0.6	0.6
Total (B)	**46.6**	**52.2**
Total (A + B)	**136.5**	**130.2**
C. Programme support costs (13% of total of A + B)	17.7	16.9
Total (A + B + C)	**154.2**	**147.2**
D. Reserve for contingency (15% of total of A + B + C)	23.1	22.1
Grand total (total of A + B + C + D)	**177.3**	**169.3**

Table III.8
Meeting of the Budget and Finance Committee
(Estimates of conference-servicing and non-conference-servicing costs)
(In thousands of euros)

	The Hague	*New York*
A. Conference-servicing costs		
Meeting servicing	0.9	1.9
Pre-session documentation	121.5	140.1
In-session documentation	34.6	30.4
Post-session documentation	139.8	120.2
Other requirements (e.g., sound technicians)	4.1	9.0
Travel of conference-servicing staff	17.6	-
Total (A)	**318.4**	**301.6**
B. Non-conference-servicing costs		
General temporary assistance (substantive and administrative)	63.9	61.9
Travel of United Nations substantive staff	36.5	
Travel and daily subsistence allowance of judges, Prosecutor and Registrar		22.0
Communications	0.6	0.6
Miscellaneous supplies and materials	0.6	0.6
Total (B)	**101.6**	**85.1**
Total (A + B)	**419.9**	**386.7**
C. Programme support costs (13% of total of A + B)	54.6	50.3
Total (A + B + C)	**474.5**	**437.0**
D. Reserve for contingency (15% of total of A + B + C)	71.2	65.5
Grand total (total of A + B + C + D)	**545.7**	**502.5**

Table III.9
Detailed summary for all meetings (except the first meeting of the Assembly of State Parties)
(Estimates of conference-servicing and non-conference-servicing costs)
(In thousands of euros)

	The Hague	*New York*
A. Conference-servicing costs		
Meeting servicing	340.8	382.3
Pre-session documentation	1 318.1	1 523.0
In-session documentation	158.8	175.7
Post-session documentation	774.8	848.4
Summary records	394.7	562.7
Other requirements (e.g., sound technicians)	29.2	65.2
Travel of conference-servicing staff	421.1	-
Total (A)	**3 437.5**	**3 557.4**
B. Non-conference-servicing costs		
General temporary assistance (substantive and administrative)	545.5	524.3
Travel of United Nations substantive staff	340.5	-
Travel and daily subsistence allowance of judges, Prosecutor and Registrar	-	92.2
Public information	131.7	131.7
Security	57.8	57.8
Communications	8.1	8.1
Miscellaneous supplies and materials	5.2	5.2
Total (B)	**1 088.8**	**819.3**
(Total (A + B)	**4 526.3**	**4 376.7**
C. Programme support costs (13% of total of A + B)	588.4	569.0
Total (A + B + C)	**5 114.7**	**4 945.7**
D. Reserve for contingency (15% of A + B + C)	767.2	741.8
Grand total (total of A + B + C + D)	**5 881.9**	**5 687.5**

Annex IV

Conditions of service and compensation for judges

The conditions of service and compensation for members of the International Court of Justice, judges of the International Tribunal for the Former Yugoslavia, judges of the International Tribunal for Rwanda and ad litem judges of the International Tribunal for the Former Yugoslavia are set out in the report of the Secretary-General (A/C.5/56/14).

The recommendations of the Advisory Committee on Administrative and Budgetary Questions concerning the recommendations in that report are set out in document A/56/7/Add.2.

The General Assembly is currently reviewing this matter under agenda item 123 of its fifty-sixth session.

A summary of these conditions of service and compensation is set out below.

Members of the International Court of Justice

Remuneration

Members of the Court: US$ 160,000.[a]

Assistance with education costs

Members are entitled to an education grant applicable to staff in the Professional and higher categories (General Assembly resolution 53/214).

Travel and subsistence regulations

Judges are entitled to first-class travel and travel subsistence allowance at the standard rates applied to officials of the United Nations Secretariat, plus 40 per cent. A full removal and installation (assignment) grant is provided (General Assembly resolution 37/240).

Pensions

The pension scheme is non-contributory. A judge receives a pension equal to half the annual salary ($80,000), based on the completion of a nine-year term, with a proportional reduction for a judge who has not completed a full nine-year term.

Judges of the International Tribunal for the Former Yugoslavia and judges of the International Tribunal for Rwanda

Remuneration

Judges: US$ 160,000.[b]

Assistance with education costs

Judges are entitled to an education grant applicable to staff in the Professional and higher categories (General Assembly resolution 53/214).

Travel and subsistence regulations

Judges are entitled to business-class travel (General Assembly resolution 53/214).

Pensions

The pension scheme is non-contributory. Judges who have served a full four-year term and retired in 2001 or subsequent years are entitled to a pension of $35,500 (General Assembly resolution 53/214).

Ad litem judges — ICTY

Remuneration

Judges receive an annual salary of $160,000 prorated for length of service (General Assembly resolution 55/249).

Assistance with education costs

No provision.

Travel and subsistence regulations

Ad litem judges are entitled to payment of travel expenses and subsistence benefits in effect for judges of ICTY and ICTR (General Assembly resolution 55/249).

Pension

No pension benefit.

Members of the International Tribunal for the Law of the Sea

As decided by the Meeting of States Parties to the United Nations Convention on the Law of the Sea, the overall remuneration of the members of the Tribunal consists of three elements: (a) an annual allowance; (b) a special allowance for each day that they are engaged in the business of the Tribunal; and (c) a subsistence allowance for each day that they attend meetings at the seat of the Tribunal or elsewhere. The overall remuneration of the members of the Tribunal would not exceed the level of remuneration of a judge of the International Court of Justice (SPLOS/4, para. 25 (a) (iv)).

Remuneration

(a) Annual allowance

$160,000 ÷ 3 = $53,333

(b) Special allowance: $53,333/220 x days of participation and days of preparatory work (based on 220 working days per annum)

(c) Subsistence allowance

(based on the number of days in Hamburg, paid at the standard rate plus 40 per cent)

Assistance with education costs

No provision for education costs, as the members are not required to take up residence at the seat of the Tribunal.

Travel provisions

Members are provided with business-class airfare (SPLOS/L.7, annex III).

Pensions

If the member has served for nine or more years, the amount of the annual pension shall be one half of the annual salary. If the member has served for less than nine years, the amount of the pension shall be that proportion of the annual pension which the number of months of his/her actual service bears to 108 (SPLOS/47, reflecting the Pension Scheme Regulations for the members of the International Tribunal for the Law of the Sea as approved at the Ninth Meeting of States Parties on 28 May 1999).

Notes

[a] In addition, the President receives a special allowance of $15,000 per year. The Vice-President receives $94 per day for each day acting as President, up to a maximum of $9,400 per year.

[b] In addition, the President receives a special allowance of $15,000 per year. The Vice-Presidents of ICTY and ICTR receive $94 for each day acting as President up to a maximum of $9,400 per year.

Annex V

Breakdown of provision for the reserve for unforeseen expenses

(In thousands of Euros)

Office of the Prosecutor	
Travel	245.9
Subtotal	**245.9**
Registry	
Legal aid, detainees services and travel, witness travel and assistance	580.0
Public information activities	23.2
Subtotal	**603.2**
Common Services Division	
Language experts	46.4
Contractual translation (1,800 pages)	104.4
Equipment (IT)	88.2
Equipment (Communications)	23.2
Furniture	83.5
External printing	7.5
Subtotal	**353.2**
Total reserve for unforeseen expenses	**1 202.3**

Annex VI

Outstanding items

Object of expenditure	*Remarks*
Provision for alterations and/or renovation of premises	Pending details of host Government's offer
Provision for wiring for computer network	Ditto.
Detention facilities	Ditto. Also, at this stage it is assumed that there will be no detainees in the first financial period.
Detention guards	At this stage it is assumed that there will be no detainees in the first financial period.
Detainee transportation and services	Ditto. However, a small provision is made under the reserve for unforeseen expenses.
Provision for protection, support and logistical/administrative/operational assistance to victims and witnesses	Ditto.
Legal aid fund	Ditto.
Armoured vehicle	Ditto. However, it might be necessary to include this item in the budget for the first financial period, in order to allow enough time for its delivery.
Various forensic supplies and materials	At this stage it is assumed that there will be no detainees in the first financial period.
Provision for expert witnesses and consultants with specific legal expertise	Ditto.
Provision for staff assessment	No decision has been taken on the matter.
Provision for travel of LDCs representatives	Ditto.
Provision for payment of honoraria, daily subsistence allowance, etc., to members of the Budget and Finance Committee	Ditto.
Arrangements concerning the pensions of judges and staff, including whether or not the Court will join the United Nations pension system	Ditto.
Financing of the Working Capital Fund and related procedures	Ditto.

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Preparatory Commission for the International Criminal Court
Working Group on a Draft Budget for the First Financial Year of the Court
New York, 8-11 April 2002

Draft resolution of the Assembly of States Parties on crediting contributions to the United Nations Trust Fund to Support the Establishment of the International Criminal Court

The Assembly of States Parties,

Bearing in mind article 112, paragraph 2 (a) and (d), of the Rome Statute,

Noting that a United Nations trust fund was established to cover the expenses which would accrue to the United Nations as a result of convening the meeting of the Assembly of States Parties,

Decides to request the Secretary-General of the United Nations to provide information to the Assembly of States Parties concerning all contributions made to the Trust Fund,

Also decides that contributions made by States to the Trust Fund should serve as a credit against future assessments against the budget of the Court.

02-33051 (E)